

INDEXED

JUL 24 '39

THE LOUISIANA HISTORICAL QUARTERLY

Vol. 22, No. 3

July, 1939

IAA

A Murder Case Tried in New Orleans in 1773, Edited by the late
Henry P. Dart.

Life in New Orleans in the Spanish Period, by Minter Wood.

The Relations Between New Orleans and Latin America, 1810-
1824, by Alfred Toledano Wellborn.

Louis Declouet's Memorial to the Spanish Government,
December 7, 1814, Edited by Stanley Faye.

Blood on the Banquette, by John S. Kendall.

Records of the Superior Council of Louisiana, LXXX, August-
September, 1783 (continued from April, 1939, Quarterly),
by Heloise H. Cruzat; Marginal Notes by Walter Prichard.

Index to the Spanish Judicial Records of Louisiana, LXII,
December, 1783 (continued from April, 1939, Quarterly),
by Laura L. Porteous; Marginal Notes by Walter Prichard.

Published Quarterly by

THE LOUISIANA HISTORICAL SOCIETY
CABILDO, NEW ORLEANS, LA.

NOTICE

Louisiana Historical Society Publications

The following issues of the Society can be purchased at the prices listed, subject to fluctuation, plus ten cents per number for postage. Address Henry M. Gill, Corresponding Secretary, The Cabildo, Third Floor, Chartres and St. Peter Streets, New Orleans, La. All issues of the Society that you do not desire will be appreciated, as the Society needs duplicates.

Publications: Volumes 1-10, complete set, bound \$25.00; each number \$1.00, except Vol. 2, Pts. 1 and 2, the stock of which is exhausted.

Quarterlies: Volumes 1-15, complete set, bound, \$100.00; each number \$1.00, except Vol. 1, Nos. 3 and 4, \$4.00 each; Vol. 2, Nos. 1 and 4, stock exhausted, No. 3, \$4.00; Vol. 3, Nos. 1 and 4, stock exhausted, and Vol. 4, No. 4, \$4.00.

The Society has a few copies of the valuable works listed below which will be sold (while the supply lasts) at the prices named, plus postage and subject to fluctuation.

History of Reconstruction in Louisiana, by John R. Ficklen, \$2.50 (Cloth).

History of the Battle of New Orleans, 1815, compiled by Stanley A. Arthur, the Official Program, 1915, \$1.00.

How the Louisiana Purchase was Financed, by J. E. Winston and R. W. Colomb, \$1.00 (Paper).

A Criminal Trial Before the Superior Council of Louisiana, May, 1747, by Henry P. Dart, \$1.00 (Paper).

Henry Miller Shreve, A Biography, by Caroline S. Pfaff, \$1.00 (Paper).

Pages From A Journal of A Voyage Down the Mississippi in 1817, edited by Felix Flugel, \$1.00 (Paper).

Louisiana in The Disputed Election of 1876, by Fanny Z. Lovell Bone, \$1.00 (Paper).

Slavery on Louisiana Sugar Plantations, by V. Alton Moody, \$1.00 (Paper).

Transfer of Louisiana from France to the United States, Official Souvenir Programme, edited by James M. Augustine, \$1.00 (Paper).

THE LOUISIANA HISTORICAL QUARTERLY

VOL. 22, No. 3

JULY, 1939

A MURDER CASE TRIED IN NEW ORLEANS IN 1773

Edited by the late HENRY P. DART

INTRODUCTION

This case and others like it, would indicate that prosecutions of Negro slaves during the Spanish Era in Louisiana were handled before the law courts of the Colony in the same way that white men were prosecuted. It has passed into history that O'Reilly ordered the French Black Code to remain in force, but the many instances developed in preceding installments of this Index of prosecutions of Negroes before the Alcalde and the Governor make the conclusion almost irresistible that the purpose of O'Reilly with reference to the Black Code was temporary, to cover the period before the machinery of the Spanish judicial system became operative, and that when this was established the Black Code of the French Era ceased to function.

It is also worth noticing that in this case and in others reported by us, the State was represented by a public prosecutor, a "Public Attorney", specially appointed by the Governor, and the accused was likewise given the benefit of counsel to be selected by himself and in default of such selection it was provided that one would be named for him.

The "Public Attorney" was one of a class called by that name, appointed by the Cabildo (or perhaps by the Governor), which enjoyed a monopoly of the legal business of the day. We have noted this feature several times in the course of our reports in the QUARTERLY of our work in the Spanish Archives. It seems to have been a growth upon the corps of officials provided

in O'Reilly's Ordinance, and perhaps had a defensible origin in the necessity for regularity of procedure and of responsibility of the agent or attorney required to be appointed in every case under the Spanish system of pleading.

The summary of the case, as printed below, was made from the original record in the Spanish Judicial Records of Louisiana, in the Cabildo, New Orleans, by Miss Laura L. Porteous.

SUMMARY OF THE PROCEEDINGS

April 13, 1773.

Criminal Prosecution of a Negro named Bombara for killing a Negro named Augustin, both slaves of Antonio Thomassin.

No. 42. 67 pp.

Court of Governor
Luis de Unzaga.

Assessor, Cecilio Odoardo.

Escribano, Andres
Almonester.

This record opens with a proces-verbal reciting that Messrs. Daunoy, Luis Blonier, George Heno, Carlos Philibot, Lejonchere Daunoy and Loppinot went to Antonio Thomassin's plantation about six leagues from the city, lower river, adjoined on the upper side by Mr. Meunier's place and below by Concession plantation, to examine into the death of a Negro by murder. They called Charles Philibot, a white laborer, and the other Negroes and viewed and examined the body. They found a wound about three-quarters of an inch long and two inches wide exactly under the left breast which they judged reached the heart. The dead Negro was found at twenty-five feet from the cabin which served as a lodging for the plantation hands.

They questioned Charles Philibot, the only white man on the place at the time of the killing, if he knew anything about the affair. He answered that at about nine o'clock at night he heard a Negro scream: "Oh my! they have killed me;" so he went to the assistance of the party in distress. He saw Augustin, the wounded man, reclining in Colas' arms; both men were slaves. Later on we will find that Augustin was the slave-driver or slave overseer of the other slaves who labored on the plantation. By that time the other Negroes came running from as far as the banks of the river. He questioned them but

because of the darkness he could not see them. Augustin answered intelligibly that it was Bombara who had stabbed him; and having tried to aid him, without success, he expired in Colas' arms while Philibot went to get a light at the cabin.

The investigators questioned the other Negroes, one after the other, but they protested and proved that they did not know anything, which was confirmed by Philibot. They went to the dead man's cabin, where they found a little Negro girl about ten and a Negro boy about thirteen, the only eye-witnesses to the murder. The children were questioned as to where they were at the time. Francisco answered that they were near the fire scuffling. He was asked if he saw anything pass between the two men. He said Bombara was in bed on a cot made of two boards, which the investigators saw behind the door that gives out to the north. When Augustin entered he began a quarrel, threatening to strike Bombara, which he actually did several times while the latter was stretched out on the bed, who answered the overseer to his face that he had not the authority to strike him, nor had his master either. Upon further questioning the boy answered that Augustin told Bombara he was capable of beating him until he killed him. They grappled with each other on the same bed until Bombara threw himself on top of Augustin; then he heard the latter cry out: "Bombara has murdered me!" He then went out of the cabin screaming. Bombara also left without returning to see what had happened.

April 14.

Unzaga, on Odoardo's advice, rules: On this day it has been reported to him by Don Carlos Daunoy that one of Mr. Thomasin's slaves killed another last night on his master's plantation, according to an investigation made by the neighbors in default of an immediate Court of Justice. This proces-verbal to be included in this prosecution. To proceed to the punishment of the one who will be proven guilty, the aforementioned witnesses must be examined upon the testimony already signed. The knife must be retained, which has been shown to Governor Unzaga, as evidence for the prosecution and conviction of the criminal. The taking of the testimony will be entrusted to the present Assessor, together with all the rest of the proceedings that will be found necessary for the full investigation of the crime. Captain Don Jacinto Panis and Regidor Don Joseph Ducros are named as interpreters, who must be notified to qualify, and done

they will translate the proces-verbal from French into Spanish and will continue to act until the end of the cause. As it is evident the witnesses live on their plantation they must be cited to appear by the deputy sheriff, who must arrest Bombara if he should meet him on the Thomassin plantation or its environs and must ask help if he needs it.

Both interpreters qualified and made the translation required. The necessary writs are issued and delivered to Nicolas Fromentin, who reports to the escribano that he went to Mr. Thomassin's plantation and the others in the vicinity seeking to apprehend Bombara so as to make him a prisoner at the disposition of the Governor, but he could not be found nor could he obtain any news of his whereabouts. He also cited to appear and give their testimony, Nicolas and Carlos Daunoy, Carlos Loppinot, Jorge Heno, Luis Blouin and Carlos Philibot.

Don Doctor Cecilio Odoardo, Assessor General commissioned by His Lordship, caused to appear before him Colas, Mr. Thomassin's slave, who through the two interpreters, Messrs. Panis and Ducros, takes oath and testifies as follows: That on Good Friday at eight in the morning the negroes were working; Bombara wished to leave his work to go to sharpen his axe; Augustin asked him where he was going, and he answered that his axe would not cut and he was going to sharpen it; Augustin said it would hold out and to continue working with it, however, Bombara began to walk away. Augustin called to Mr. Philibot and told him to put the whetstone away, because while it was in sight Bombara had nothing to do but amuse himself sharpening. He answered that the master's orders were to sharpen the axes when they would not cut. Philibot came up and said his children would sharpen the axes when they would not cut. The dispute ended and they were ordered to get their breakfast. Just as soon as Augustin had breakfasted he went to Bombara's cabin where the rest of the Negroes were, and said to him: "Bombara, thou makest a mockery of me when I forbid thee to go to sharpen thy axe; this is to lose the master's time." To which Bombara answered: "Who is the one who loses the most of the master's time, thou who sleepeth and pass all the day that way when the master is not here in the house, or I who file my axe to work for him?" to which Augustin answered: "Thou art a chatterbox and I have a mind to give thee several blows so that thou canst not talk any more!" To

this Bombara answered: "If thou wish to beat me let it be Sunday which is a free day; work days are assigned by the master!"

At this stage of the dispute the witness said to them that if they did not keep quiet he would go call Mr. Philibot. Augustin said to the witness: "That it would be an evil hour for him if he did not take care," and that after this the witness and Bombara went to work, and Augustin went to sleep. For the rest of Friday and Saturday he did not hear any dispute. On Easter Sunday Augustin arrived at the plantation from the other side of the river, from his leave of absence which they had had for Saturday night, and Bombara came back from a nearby plantation. The latter arrived first and went to bed in his own bunk. Augustin arrived afterwards and went to look for him in his bed, and said to him: "Thou hast taken thy axe and hast kept it." Bombara answered: "It was Philibot who had kept them, having gathered them up at the camp where each of us left them when he went away." Augustin answered: "No, thou tookest the axe and art keeping it." Bombara said he had not done what he was accused of. Following these altercations, Augustin said to him: "Do not talk back to me so much because I will strike thee immediately." At this Bombara, who was seated on the bed, said to him: "Give me what thou wishest as today is Sunday;" Augustin saying to him: "Thou dost never keep silent." Bombara said: "No, because thou art always the first to attack me."

Augustin took off his cloak, which fell to the ground, and immediately he put his hands at the other's throat and gave him two blows with his clinched fist; this was done on the bed, where Bombara was underneath his assailant. He drew a knife and stabbed him under the left breast. At this time the witness was on the banks of the river fishing. What he has testified was related to him by the little Negro boy, Francisco Sarico. When Augustin was wounded, he screamed: "Oh my! Oh my! Colas, Bombara has stabbed me!" The witness, hearing him, went running to him, embracing him to support him. He was questioned as to what Augustin had done a little time after he had said that Bombara had stabbed him. Colas said he expired in his arms without saying anything else. Bombara, having left the cabin, fled. The witness reported to Philibot and to Concession Plantation where Mr. Daunoy lived, and he together with other whites arrived the next day.

Carlos Philibot is the next witness called. Through interpreters he declares that on Easter Sunday at about eight o'clock at night he retired to his cabin to go to bed with one of his small children. His house was about three or four arpents from the Negroes' quarters. When he began to doze off, his little boy called, saying: "Papa, Papa, they are screaming at the murderer!" He got up immediately, took his gun and went over to the cabins to ask what had been done there, when he heard a weak voice say: "Bombara has wounded me." The cabin was dark, so he asked for a light. This was brought to him by a little Negro boy who set fire to a cane, by the light of which he saw the wounded man was Augustin. Bombara was not there. He questioned the two little Negro children if Bombara and Augustin had been quarreling, and was told that they had over an axe and that they grappled with each other. According to the children, Bombara was in bed and Augustin gave the first blow. As they fought, the former who was underneath stabbed the latter, who rolled over and began to scream: "Colas, Oh my! Oh my!" The witness went to his assistance and found him supported by Colas. He died immediately after his arrival. He went to call the neighbors, who did not arrive until the next day. This declaration is signed by Doctor Odoardo, Charles Philibot, Jacinto Panis and Joseph Ducros, before Andres Almonester.

Charles Loppinot, Charles Lejonchere Daunoy, George Heno and Louis Blouin all testify that they know nothing more than what appears in the proces-verbal.

Little Francisco Sarico was examined, though not made to take oath. He said that on Easter Sunday night Bombara came to go to bed, and Augustin entered a little later and questioned him as to why he had not brought his axe back. He answered, because Mr. Philibot gathered up the axes. Augustin told him that if he answered back he would strike him. Bombara answered: "Show me, show me!" Augustin took off his overcoat, gave him a blow and seized him by the neck. The witness said that he told him: "Papa, do not fight, you are not fit to fight;" then he went to call Mr. Philibot. Bombara said to him: "Hush thy foolishness, I will cure thee of play." He, Francisco, fell down with fright and immediately Bombara was on top of Augustin, who cried out, saying: "I am wounded," and left the cabin calling to Colas, who arrived at that moment. He told

him: "Bombara has wounded me with a knife," and died immediately in Colas' arms. When Augustin went out of the cabin, Bombara fled. The witness added that on the Friday before he had heard it said that they had quarreled about an axe. The little Negro stated that what he declared was the truth. He is about twelve or thirteen years old. He did not sign because he did not know how. The officials signed for him.

Unzaga, on Odoardo's advice, rules: Whereas, with the merits that result from the foregoing testimony, let a writ of arrest be issued against the person of a Negro called Bombara, Don Antonio Thomassin's slave, and let it be entrusted to any person of the town, on account of his having run away as appears from the report of the deputy sheriff, and let it be made evident from the certification of the warden of the prison that he holds him in his charge, and let them proceed to receive his confession. Signed: Unzaga and Doctor Odoardo.

Almonester attests that the writ of arrest which was ordered has been issued. Antoine Gosson, warden of the prison, certifies that some persons of the city, whom he does not know, in company with some Negroes belonging to Mrs. Daunoy brought Mr. Thomassin's slave, Bombara, to prison. He holds him in his charge as a prisoner at the disposition of the Governor General. Signed: Antoine Gosson. Attested before Andres Almonester.

Bombara makes his confession by answering the usual formula. He says he is called Bombara, but his baptismal name is Juan Bautista, a native of Guinea, aged about 30, a bachelor, and that his occupation is to serve his master, Don Antonio Thomassin. He was taken prisoner by a mulatto, Luis, who lives on the Daunoy plantation. Messrs. Daunoy, Loppinot and his own master, Antonio Thomassin, brought him to the city and put him in prison because of a fight he had had with Augustin. The fight was over an axe that he wished to sharpen. Augustin had accused him of always sharpening his axe so as not to work. He answered him: "Thou art the overseer here," who replied with insults, calling him a dog. Immediately after they went to breakfast. At this time Augustin returned to insult him, and Colas said to him, speaking of the accused: "If this Negro goes to sharpen his axe, he expects to work." And so they passed Friday and the following Saturday. On Easter Sunday all the Negroes went for an outing to the neighboring plantations, he

among them. He came back to go to bed, and when there the negress, mother of the children, Yoco and Magdalena, gave him some corn to grind. The little Negroes began to quarrel among themselves. He told them that if they did not stop he would slap them. They paid no attention, and Yoco (Francisco Sarico) kicked his sister, whereupon he got up and slapped him, saying: "This is because thou hast done ill to thy sister in front of me." Yoco began to cry.

At this moment Augustin entered and asked him why he was crying. He answered that because he had done wrong to his sister Papa Bombara had punished him. Then Augustin began to insult the accused, and rushed at him, giving him a blow with his fist. The witness had a knife in his hand, and was amusing himself cutting some canes; in the scuffle Augustin jostled against him by accident, and then he heard him say: "He has stabbed me; he has killed me." He was afraid and fled, but it was not his intention to do wrong. Questioned how could he say it was not his intention to do wrong, when he acknowledged before that they had been quarreling. A mortal blow could not have been struck without the intention to injure. Besides, when he went to bed he did not need a knife, as it was not time to amuse himself with canes. He answered that he maintained what he said. He was told to speak the truth and not to perjure himself. He answered that he had spoken the truth. He was asked why he did not complain to his master when Augustin struck him and insulted him. He said that his master was not on the plantation, besides Augustin would have prevented him, and although he thought to complain he did not have time. He was asked how could he say that he did not have time to go and complain, when there was no one to hinder him, and after the deed was done he had time to go. He said that Augustin held his body and blocked the way, which resulted in the wound which he received by jostling against him. He was shown the knife and questioned if it was the same with which he had given the wound. He said it was the same. He was asked if he did not know that to kill another was a great crime and that the law had established severe penalties for those who committed them. He said he knew it was a crime meriting punishment when done expressly and from the spirit to kill, which is what he did not do. He was questioned and re-questioned concerning the case, and to all he answered that it

was as he had stated. Having read him his confession word for word, and he, thoroughly understanding it, said that it was according to and as testified, that he affirmed and ratified it and that he would always say that his answers to the questions were the truth, under charge of his oath. He did not sign, as he said that he did not know how. The Assessor, interpreters and the escribano signed.

Unzaga rules: Let Public Attorney, Francisco Broutin, be named prosecuting attorney to represent the state in this cause, and let him be notified for his acceptation and oath. Broutin qualifies on the same day and begins the prosecution by asking that Bombara be declared guilty of voluntary homicide and condemned to death by hanging, so that his chastisement will serve as a public example. He sums up the case from the testimony, dwelling on the point that Augustin was unarmed and struck with his fist, while Bombara was armed with a knife. One or the other or both were privileged to take the dispute about the axe to the master, Philibot, or the neighbors. This was not done. The whole crime shows a malicious idea of vengeance. Bombara, a Negro lately brought from Africa, acknowledged in his confession that he knew murder was a crime when committed deliberately and that he did not have a knife for this end, but confessed that he went to bed to divert himself with arms and canes. Bombara's claim that he gave another a stab wound below the left breast, the same as if it were the heart, in accident is a fallacy; the force of such a blow must have been directed from an intention and not from an accident as he states.

This argument is ordered sent to Antonio Thomassin, who answers that the cause which is being officially prosecuted against his slave, Bombara, for killing his Augustin has been received, and in acknowledgment he hereupon in due and proper form wishes to separate himself from the case and prays the Court to settle the cause in conformity to justice. Bombara is ordered to appoint his own attorney for the defense, with a warning that one will be named officially if he does not do so within one day.

Bombara names Leonardo Mazange to defend him. This appointment is confirmed by the Court, and upon qualification he begins the defense by setting forth that no guilt is proven against the Negro, as the prosecuting attorney claims, because

Augustin was killed by a knife that his client happened to have. He asks that Broutin's argument be excluded and Bombara absolved from Augustin's accidental death. The case is summed up in the criminal's own words, that he was in his cabin cutting some canes and enjoying the end of Sunday, and he had punished Yoco for treating his sister badly. He began to cry, and this brought Augustin, who came to attack him. The latter took off his coat, gave him a blow with his fist and took him by the throat. They began to scuffle and Augustin fell on the knife that Bombara held in his hand, and in consequence killed himself. He was innocent of the murder and was obliged to defend himself from the blows which he received every day. He asks that his client be absolved from the prosecuting attorney's imputations, as Augustin's death was accidental and without intention on his part. All witnesses were hear-say and not eye-witnesses, who have given testimony against Bombara, even the child said that he heard but did not see. Broutin's allegations that Bombara told Messrs. Loppinot, Daunoy and others that he killed Augustin must be excluded as a charge against the criminal, because these gentlemen, having acted as Judges cannot become his accusers, and being his accusers they cannot be opposing witnesses. Besides, according to the declarations in these records, Augustin was always the aggressor and threatened to kill Bombara, which he could easily do when he went to the latter's cabin, and could just as well as not kill with the knife with which he was killed instead. He again asks that the case be dismissed and his client absolved from all guilt.

Broutin presents an interrogatory of 56 questions upon which the following witnesses must be examined, viz: Carlos Joseph Loppinot; Carlos Gui Favre Daunoy; Nicolas Daunoy; Carlos Lajonchere Daunoy; Luis, mulatto belonging to the aforementioned Carlos Philibot; Theresa Berlet, wife of Gerardo de Gui called Tailland; the negress Francisca, called Chouete, belonging to Mr. Meunier; Colas and the little Negro children, Francisco Yoco and Magdalena, all three belonging to Antonio Thomassin; Juan Bautista, called Bombara, Mr. Thomassin's slave, who killed his master's overseer, Augustin.

1st Q. Directed to Messrs. Loppinot, Favre, Nicolas and Lajonchere Daunoy, and their slave Luis, mulatto, if it is not true that on a certain day, Friday, 23rd of April just past, at

7 o'clock at night they arrested a Negro, Juan Bautista, called Bombara, Antonio Thomassin's slave, because he killed his master's Augustin?

A. Loppinot says "Yes" to all the first six questions. Lajonchere says he knows nothing in answer, as he was in the city when the arrest was made.

2nd Q. Did they conduct him to the dining-room gallery and did they tie him to a post or posts and ask him several distinct times why he killed Augustin?

A. The two Daunoy's say "Yes", and that Bombara had said it was a misfortune, that the devil had tempted him to do it. Luis answers "Yes".

3rd Q. Did Bombara answer that it was a misfortune and that it was the devil who had tempted him?

A. All witnesses answer "Yes".

4th Q. Did they ask him why he had chosen such a holy day as Easter Sunday to kill Augustin?

A. Luis knew nothing, but Messrs. Daunoy said "Yes", and that Bombara had answered them and others present: "Yes, it was a misfortune to kill Augustin", but that white men kill each other on that day.

5th Q. Did he always answer that it was a misfortune, but that white men kill each others without choosing the day?

A. No answer recorded.

6th Q. When he was apprehended he was asked many times where the knife was, and did he answer that he did not have any?

A. Messrs. Daunoy and Luis testify he always answered that he did not have a knife, but that on another day, among the weeds, in the place where he was seized, Antonio Thomassin, his master, found the knife.

7th Q. To be answered by Carlos Philibot and Colas. Is it not true that on Easter Sunday night at about eight o'clock, when he, Philibot, retired to his cabin and had gone to bed and was sleeping, his little son called to him, saying: "Papa, Papa, they are calling about a murder," and that he got up, took his gun and went to the Negroes' cabin?

8th Q. Did Philibot hear a dying voice say: "Bombara has wounded me?"

9th Q. Did he recognize that it was Augustin speaking, who died immediately after?

10th Q. Did he enter Bombara's cabin and notice that he had fled?

11th Q. Did he find any canes in Bombara's cabin?

12th Q. Did Mr. Thomassin make Augustin his overseer to work and to order all the Negroes to work according to the master's instructions?

A. To all of the foregoing questions Philibot answered under oath, as follows: To Nos. 7, 8, 9, and 10, he refers them to what he has said in his declaration. To No. 11, that there were some canes with which the Negroes made a fire to light the cabin. He did not examine Bombara's bed, so he cannot state positively whether there were any or not. To the 12th, he said that Augustin was the overseer of the Negroes and the plantation and had his orders to make them work.

13th Q. Let the Negro, Colas, declare if he was fishing on Easter Sunday night on the banks of the river, and if he heard a voice cry: "Oh my! Oh my! Colas, Bombara has stabbed me!"?

14th Q. Did Colas go running and recognize that it was Augustin? Did he embrace him to support him, and a little while after he said Bombara had stabbed him he died?

15th Q. Did he go into Bombara's cabin, and did he find any canes and that the prisoner had fled?

16th Q. Had Bombara had a dispute with Augustin the Friday before?

17th Q. Did Mr. Thomassin make Augustin overseer so that he had to work and to force all his Negroes to obey his orders?

A. To all of these questions Colas answered: That Bombara had no canes to cut in his cabin, and that Augustin was the overseer placed by his master to order and to make the Negroes work. To the other questions included in the interrogatory, he refers them to the declaration he has made.

18th Q. Questions to be put to the little Negroes, Francisco Yoco and Magdalena. On Easter Sunday at eight o'clock at night, when Augustin went to Bombara's cabin, did he ask him why he did not bring back his axe, and that he had answered why did not Augustin bring it back himself?

19th Q. Did Augustin say: "Do not talk back to me, because I will give you a slap"?

20th Q. Did Bombara answer: "Show me, Show me!" and did he not have a knife in his hand behind his shoulder?

21st Q. Did he, Francisco Yoco, say to both men: "Do not fight, because I will go call Philibot," and that Bombara said to him: "Be silent, because if thou dost not hush I will kill thee," and he was silent through fear?

22nd Q. Did Augustin seize Bombara, and did they not see the latter on top of the former, who cried out, saying: "I am wounded," and went outside of the cabin calling to Colas, and just as soon as the latter arrived he said: "Bombara has wounded me with a knife," and died immediately after in Colas' arms?

23rd Q. Did they not hear Bombara say during the dispute over the axe that if Augustin did not kill him he would kill Augustin?

24th Q. Did they see him cut any canes, and did he have any in the cabin?

A. To these questions the children, who were not made to take oath, answered: Magdalena said, yes, it is true that in the first part of the night Augustin entered Bombara's cabin common to the two, as they both lodged there. Augustin asked if he had brought the axe back, and Bombara answered: "I am not your servant." Because he had not brought it back Augustin gave him some blows, and Bombara stabbed him. She did not see the knife, because there was no other light in the cabin except a little fire, and there were no canes there. Yoco, her brother, said to Bombara and Augustin when they attacked each other, that if they did not leave off fighting he would call Mr. Philibot, but Bombara said to him: "Be silent if thou dost not wish to be killed, too, in the grown people's fight." After the quarrel Augustin went out of the cabin calling to Colas, saying: "Bombara has wounded me." Yoco said that Bombara had no canes to cut when he was in bed. He did not see any knife. Yes, he heard Bombara say: "Thou canst well kill me unless the blow misses the mark, because I will not miss it." To the other questions he refers them to his declaration.

25th Q. Questions to be put to the negress, Francisca Chouette, belonging to Mr. Meunier. On Easter Sunday night did

Bombara go to her cabin when she was in bed asleep, and did he call at her door, and did she ask: "Who is it"?

26th Q. Did he answer: "It is I, Bombara," and did she say: "What do you wish?" and did he answer: "I come to say good-bye, because I am going away forever."?

27th Q. Did she not ask him: "Why do you go?" and did he not answer: "I go because I have killed Augustin."?

28th Q. Did she see the Negro very well, and was he really Bombara?

A. To the 25th, Francisca answers: On Easter Sunday night Bombara appeared at her cabin door while she was in bed and said to her: "I am Bombara." She asked him what he wished. He answered: "I come to say Adios to thee forever because I have killed Augustin." She was filled with fear and told him to go away and he left without opening the door. She knows for a certainty that it was Bombara, because she knew him before.

29th Q. Questions to be put to Theresa Berlet, wife of Gerardo Gui called Tailland. Some days after Easter Sunday, at about eight o'clock in the morning, did she find Bombara at the door of her plantation holding a knife, very much used and very sharp-pointed, in his hand?

30th Q. Did she ask him: "Are you not a fugitive Negro?" Did he answer: "Yes, it is true," and did she ask him if it was not he who had murdered Augustin? Did he not answer: "It is true."?

31st Q. Did she not ask him how he had killed Augustin, and did he not answer that he had stabbed him?

32nd Q. Did she ask the Negro: "Art thou not afraid to be seized, and where dost thou live?" and he answered that in the day he lived in the woods and at night he came to sleep in an abandoned cabin belonging to George Heno, a little distance away from the principal house in which the owner lived?

33rd Q. Some days after did she have no candle in her house and did she go to look for one where Bombara lived, and did she not always find him holding his knife in his hand, and did she not ask him for a candle?

34th Q. Did Bombara answer her that he had none, but that he had a schooner in the river where he had a candle that he would go to look for to give her?

35th Q. Did he go to look for the candle in the schooner and before going did he not let his knife fall, but picked it up in a great hurry, then went to look for the candle which he handed to her? [This witness's testimony never appears in the record either in the form of a sworn declaration nor as an answer to an interrogatory.]

36th Q. Questions to be answered by Bombara. Was Augustin Mr. Thomassin's overseer who laid out the tasks and ordered all the Negroes to go to work according to his orders?

The necessary officials went to the prison to question Bombara, who answered question 36 as follows: Augustin was not the overseer on the plantation; there was none. If his master had made him so he would have proclaimed him as such and would have called the Negroes together for this purpose. This he did not do, and if he had the witness would have known of it.

37th Q. Some days before Easter Sunday did he have a quarrel with Augustin about some axes and other things?

A. Yes, it is true.

38th Q. Was there a grindstone on Mr. Thomassin's plantation, which served to sharpen the axes, shovels and knives for the Negroes?

A. Yes.

39th Q. Before Easter Sunday did he have a knife?

A. He did not have a knife before Easter Sunday when he committed the murder.

40th Q. On Easter Sunday did he go to the Meunier plantation without having any knife?

A. On Saturday he went to Mr. Meunier's plantation and took the knife with him. He dropped it in front of the negress, the mother of the free mulatto, Juan Luis; being disconcerted he sharpened it on a brick and put it in condition to be of service. The reason he took it was to use it to cut meat. As he was all of Sunday at the Meunier's he kept it with him until Sunday night, when he retired to his house.

41st. Q. On this same Sunday did he sharpen his knife at Mr. Meunier's plantation?

A. He refers them to what he has answered above.

42nd Q. Where did he get the knife? What Negro or Negress gave it to him? How is he or she called? To whom does he or she belong? Why did he sharpen it at Mr. Meunier's plantation, when there was a whetstone at his master's place, and why did he hold it in his hand all of Easter Sunday?

A. He refers them in the same way to what he has already declared.

43rd Q. On Easter Sunday did Philibot go to his cabin, at about eight o'clock at night, while he quarreled with Augustin?

44th Q. Why did he not call to Philibot at the time of the quarrel and make him put a stop to it?

A. To Nos. 43 and 44 he answers that Philibot was on the plantation at the hour mentioned, but he was unable to get away from Augustin and could not call him.

45th Q. When he was fighting with Augustin did little Francisco Yoco say he would call Philibot, and did he tell him to be silent, because if not "I will kill thee," and that the little Negro was silent from fear?

A. This is not true.

46th Q. On Good Friday while disputing with Augustin about the axes, did he say: "If he was not killed he would kill him."?

A. This is equally untrue.

47th Q. Did he declare in the presence of Carlos Loppinot, Favre Daunoy, Nicolas Daunoy, Lajonchere Daunoy and Luis, mulatto belonging to the Danuoyes, that it was true that he had killed Augustin, that it was a calamity, but that the devil had tempted him?

48th Q. When the above remonstrated with him because he had committed a murder on such a Holy Day as Easter Sunday, did he answer that it was a great misfortune, but that white men killed each other without choosing the day?

A. To these two questions he answers: They are true in their contents, but he told them that he had not killed on purpose, but by accident, just as happens to white men, as God knows.

49th Q. When the abovenamed apprehended him did they question him many times as to the whereabouts of his knife, and

did he always answer that he did not have any, which was untrue, as it was found the day after among the weeds in the same place where he was arrested?

A. The contents of the questions are true because he flung the knife on the ground.

50th Q. Why did he have his knife hidden behind his back when he began to fight with Augustin, and why had he declared that it was to cut canes with when Augustin entered, while it has been proven, to the contrary, that he was in bed when the overseer came in?

A. He had the knife in his hand playing with some canes that little Yoco had brought to the cabin, but he did not hide it behind his back as he was questioned.

51st Q. On Easter Sunday night did he go to the Meunier plantation?

52nd Q. On the same night did he go to call at the door of Francisca, called Chouette, belonging to Mr. Meunier, who was in bed asleep in her cabin, and did he say to her: "Adios forever"?

53rd Q. Did the negress ask him: "Why do you go?" and did he answer: "I go because I have killed Augustin."?

A. To these three questions he answers: He was at the door of Francisca's cabin immediately after he committed the murder and told her what had happened, and she told him he had better go away, and that he went and lodged in a deserted house belonging to Mr. Fleury.

54th Q. Some days after he had killed Augustin did he go to Mr. Tailland's plantation, did he meet the latter's wife at the door of her house, and did he talk to her and tell her that he was a fugitive Negro because he had stabbed and killed Augustin?

55th Q. Why did he always keep his knife in his hand from the instant he killed Augustin until he was apprehended?

56th Q. Where and in what part had he lived during the eleven days that he was a fugitive? In what place had he slept all of these nights? How were the Negroes and Negresses called who sheltered him? To whom did they belong? If white men, how called? Did they know that he had killed Augustin? How had he fed himself? Who had given him food?

A. To these questions he answered: That he passed Mrs. Tailland's house when he was running away and that she was in

her door and asked him what he was looking for, and he answered, a little fire. She asked him if he was a fugitive and he told her, yes. Nothing else transpired. During the time he was a fugitive he lived in Mr. Fleury's abandoned cabin and sustained himself with corn he had taken from his master's plantation. He kept his knife to be of service to him if anyone offered him anything to eat.

[If Mazange presented an interrogatorio or called any witnesses for the defense, no record of it is filed with the suit.]

The prosecuting attorney sets forth that the evidence in the case has been delivered to him to allege as well proven. By this testimony the Negro, Juan Bautista, called Bombara, is really guilty of voluntary homicide, since he killed Augustin, Mr. Thomassin's slave. In consideration whereof, he prays that he be declared guilty as charged and condemned to death on the gallows, so that his punishment may serve as a public example. This is ordered sent to the defense and is answered by Mazange, who says that the prosecuting attorney has tried in vain to find an innocent man guilty of murder. Sufficient testimony has been presented to prove that the dead man was the aggressor. He took the accused by the neck and in the scuffle fell upon the knife, which he brought with him to kill Bombara. He prays that his client be absolved from the supposed accusation and that the prosecuting attorney be condemned to pay costs. The Court cites all parties in due form for the final sentence, which in full reads:

Considering, etc. Judgment: Attentive to the merits of the case and of what results from them against Juan Bautista Bombara, slave of Don Antonio Thomassin, that I must condemn and do condemn him to the pain of death and order that he be taken out of the prison, tied feet and hands upon a pack-saddle beast with an esparto grass halter around his neck, and the voice of the town crier will make known his crime. Let him be conducted through the accustomed public streets to the gallows of this city and from it let him be hanged until he is plainly dead, and I forbid anyone to take down the body under the same penalty. For this is my sentence definitively judged and on the advice of my Assessor General. Thus I pronounce and order it.

(Signed) Luis de Unzaga y Amezaga.

(Signed) Dor. Cecilio Odoardo.

Andres Almonester, the escribano of the case, went to the public prison of this city to notify Juan Bautista Bombara in person of the foregoing sentence. He also notified the Prosecuting and the attorney for the defense as well as Don Carlos Fleuriau, the sheriff. Further, on September 20, 1773, he attested that the foregoing sentence was carried out by the executor of justice.

✓ LIFE IN NEW ORLEANS IN THE SPANISH PERIOD*

By Minter Wood

CHAPTER I—THE CITY

A description of any city furnishes many clues as to the life of its inhabitants. It might even be considered as a partial index to the kind of society to be found there. A picture of the setting for any social activity that may be found is, therefore, necessary.

The ground plot of New Orleans, originally a morass, was a plain inclining northwest two points west, with a descent of about six feet from the banks of the river to the palisades at the rear of the town and then some three feet more to the Bayou Saint Jean.¹ The entrance to this Bayou was guarded by a fort, an easy defense, for the stream was narrow and its bar so elevated that scarcely two feet of water covered it.² There was little current here save that movement induced by the rise and fall of the tide in Lake Pontchartrain. The regions traversed by the Bayou were everywhere submerged by its stagnant or imperceptibly flowing contents which were teeming with alligators and shaded by gaunt trees heavily draped with a species of grayish moss whose thick, dangling strands gave a lugubrious and strange appearance to this savage landscape.³ This marshy, sunken terrain, upon which the city of New Orleans was placed, was thus a part of the usual topography of the region whose low parts everywhere descended gradually from the river and terminated in lakes or swamps.⁴

It was the river, with its perpendicular banks and water deep enough for ships of any draft,⁵ which was quite the highest point on the city's horizon⁶ and which gave the city its distinctive

* Master's thesis in History, Tulane University, 1938.

¹ Amos Stoddard, *Sketches Historical and Descriptive of Louisiana* (Philadelphia: Mathew Carey, 1812), 152.

² C. C. Robin, *Voyages dans l'Intérieur de la Louisiane* (Paris: Librairie F. Buisson, 1807), II, 62.

³ *Ibid.*, II, 63. John Pope, *A Tour Through the Southern and Western Territories of the United States* (Richmond: John Dixon, 1792), 42, mentions counting "73 crocodiles or alligators at one view."

⁴ Stoddard, *op. cit.*, 151.

⁵ J. F. Smyth, *A Tour in the United States of America* (London, 1784), I, 66.

⁶ Berquin-Duvallon, *Vue de la Colonie Espagnol* (Paris, 1803), 27.

character, for the levee, that dike early constructed to protect it from inundation, did not prevent the water from filtering through.⁷ This made the city's soil so soft that the problems of drainage were constant and pressing and only to be met by a system of ditches which poured into the swamps behind the town the water from the river.⁸ This levee, extending from the *Detour des Anglais* to some fifty miles above the city was level topped, about ten or fifteen feet high and twice that in width.⁹ Although used as a promenade by the inhabitants of the town because they had no other, it was badly kept up.¹⁰ The trees which Carondelet had planted had been destroyed through the carelessness or indulgence of the magistrates who had allowed boats moored broadside in the river to tie up to their trunks.¹¹ Worse still, the quays, though extensive, were cluttered with ship's ballast carelessly thrown out and filthy with refuse discarded by tavern keepers.¹²

The town, bordered then on one side by the levee and on the other sides by swamps,¹³ was almost an exact square measuring about a half league,¹⁴ compact, and regularly laid off into squares. The streets were nearly forty feet wide and intersected each other at right angles.¹⁵ Although part of this area was not built up¹⁶ owing to the two disastrous fires which had ruined property, the population had steadily increased. From a village of some 3,200 when transferred to Spain¹⁷ it had risen to over 8,000 inhabitants, in 1803, and had about 1,000 houses.¹⁸

The fortifications, erected in 1794 by Carondelet, which encircled the place, consisted of a system of wooden palisades, with forts, and, of course, the city gates necessary as a means of egress and ingress, all in bad repair.¹⁹ The latter, four in

⁷ "Paul Alliot's Reflections", in J. A. Robertson (ed.), *Louisiana Under the Rule of Spain, France and the United States* (Cleveland: A. H. Clark Company, 1917), I, 63; Robin, *op. cit.*, II, 68-73; Pope, *op. cit.*, 37.

⁸ Robin, *op. cit.*, II, 73.

⁹ Georges Oudard, *Four Cents an Acre* (New York: Brewer and Warren, 1931), 266.

¹⁰ Berquin-Duvallon, *op. cit.*, 28.

¹¹ Smyth, *op. cit.*, I, 66; Anonymous, *Mémoires Sur la Louisiane et la Nouvelle-Orléans* (Paris, 1804), 5.

¹² De Pagés, *Voyages Autour du Monde* (Paris, 1782), I, 24.

¹³ Robin, *op. cit.*, II, 67.

¹⁴ Robertson, *op. cit.*, I, 63; Pope, *op. cit.*, 37.

¹⁵ Robertson, *op. cit.*, I, 63.

¹⁶ *Ibid.*, I, 71. Some streets had barely twenty houses.

¹⁷ H. I. Priestley, *The Coming of the White Man* (New York: Macmillan Company, 1929), 269.

¹⁸ Stoddard, *op. cit.*, 151.

¹⁹ Charles Gayarré, *History of Louisiana* (New Orleans: Hawkins-Armand, 1885), III, 582; Berquin-Duvallon, *op. cit.*, 40; *An Account of Louisiana* (Philadelphia: William Duane, 1803), 16.

number, were called San Luis, San Juan, San Carlos, and San Ferdinando;²⁰ but three of these were better known as Gate Saint Louis, or Petit Colas, the Gate of France, and the Bayou Gate.²¹ The two next to the river were more important than the two rear gates which led to Lake Pontchartrain.²² These gates formed of ten or twelve foot wooden palisades, and guarded by sentinels, were shut each night at nine o'clock.²³ The St. Louis, or San Luis, gate led to some suburbs situated upstream along the river at the extremity of the city, which were almost as large as the city itself, being 330 toises long and having about two or three hundred houses.²⁴ The Gate of France led within a half mile to a region of fine country homes and sugar plantations along the river and the road leading to the *Terre aux Boeufs* district.²⁵ It was the Bayou Gate opening on the Bayou Road which led from the back of the town to the cantons of Gentilly, Metairie, Grand Bayou, and the canal which was the link with Bayou Saint Jean and Lake Pontchartrain.²⁶ This canal which was dug up to the back street of the town, arose in a basin directly behind the Charity Hospital and within fifty yards of it. This basin was large enough for several small vessels.²⁷ Within a hundred yards of the Bayou Gate were avenues of orange trees and gardens. The banks of Bayou St. Jean were lined with handsome residences of the most varied architecture. Some of the houses were of wood and had galleries, others were of brick with Italian balconies, and others were colonnaded.²⁸ There were also near the gate tile and brick yards,²⁹ and a "large hospice for lepers."³⁰

The five forts with their system of connecting stockades and ditches which encircled the city³¹ were distributed in a singular fashion. They were mounted in the places which appeared to be the most invulnerable.³² Besides the large battery on the river

²⁰ Proclamation of Don Manuel Gayoso de Lemos (New Orleans, 1798).

²¹ Robertson, *op. cit.*, I, 95.

²² Stoddard, *op. cit.*, 157.

²³ *Ibid.*

²⁴ Robertson, *op. cit.*, I, 95; Berquin-Duvallon, *op. cit.*, 25.

²⁵ Robertson, *op. cit.*, I, 97.

²⁶ Berquin-Duvallon, *op. cit.*, 28.

²⁷ *Ibid.*, 25; Stoddard, *op. cit.*, 165; "The Journal of John Sibley", in *Louisiana Historical Quarterly*, X (1927), 480.

²⁸ Robin, *op. cit.*, II, 63; Sibley's Journal, *loc. cit.*, X, 481.

²⁹ Robertson, *op. cit.*, I, 97; Sibley's Journal, *loc. cit.*, X, 481.

³⁰ Robertson, *op. cit.*, I, 97.

³¹ Stoddard, *op. cit.*, 156; Victor Collot, *A Journey in North America* (Translated by J. C. Bay: Paris, 1826), II, 95; Phillip Pittman, *The Present State of the European Settlements on the Mississippi* (Cleveland: A. H. Clark Company, 1906), 12.

³² Stoddard, *op. cit.*, 157.

front³³ there were two of these forts located one at each end of the town along the river.³⁴ Fort Saint Charles, which was on the lower side of the town, was the most important of all the forts.³⁵ Fort Saint Louis was the sole defense of the upper side of the city.³⁶ The three other forts were placed in the rear covering the country. Fort Burgundy and Fort Saint Jean were at the two angles of the square formed by the town, and the third, Fort Saint Ferdinand, was in the middle, a little in front so as to form an obtuse angle. Each of the forts was mounted with guns and had barracks for one hundred men.³⁷ All five forts were regularly constructed, furnished with banquettes and glacis,³⁸ but those at the back had no covered way, only stakes and palisades.³⁹ Around these forts was a ditch eighteen to forty feet broad and seven to eight feet deep. This ditch, connecting with the drainage ditches, held four feet of water even in the dry seasons. The three-foot causeway, formed of the earth from the ditch, was planted with pickets from six to twelve feet high placed close together. A banquette was behind these palisades.⁴⁰

Within the circle of wooden fortifications lay a town whose streets were wide, straight, and well aligned.⁴¹ These streets were, however, unpaved, ill lighted,⁴² unposted,⁴³ and filled with mud and filth.⁴⁴ Some of the streets were agreeably lined with sour orange trees,⁴⁵ and the back and side squares of the town were laid out in gardens.⁴⁶ The main thoroughfares, with their narrow plank walks in bad repair, were excessively filthy. Hogs wandered about them and they were full of holes⁴⁷ and rough with crayfish mounds in dry weather.⁴⁸ In the wet months they became a sea of

³³ Collot, *op. cit.*, II, 95.

³⁴ Baroncelli-Javon, *Une Colonie Française en Louisiane* (New Orleans: George Muller, 1909), 45.

³⁵ Gayarré, *op. cit.*, III, 582; Berquin-Duvallon, *op. cit.*, 40.

³⁶ Stoddard, *op. cit.*, 157.

³⁷ Collot, *op. cit.*, II, 95.

³⁸ Stoddard, *op. cit.*, 156.

³⁹ Collot, *op. cit.*, II, 95.

⁴⁰ *Ibid.*; Stoddard, *op. cit.*, 156; Harry Gordon, "New Orleans and Bayou St. John in 1766", in *Louisiana Historical Quarterly*, VI (1923), 19; Pittman, *op. cit.*, 11-12.

⁴¹ H. E. Chambers, *A History of Louisiana* (Chicago: American Historical Society, 1925), I, 262; Pittman, *op. cit.*, 11-12; Pope, *op. cit.*, 37.

⁴² R. H. Gabriel, *The Lure of the Frontier* (New Haven: Yale University Press, 1929), 160. Berquin-Duvallon, *op. cit.*, 40, refers to "the mean lamp posts . . . which on winter nights scarcely light ten paces."

⁴³ Robin, *op. cit.*, II, 66.

⁴⁴ Robertson, *op. cit.*, I, 71; Berquin-Duvallon, *op. cit.*, 90.

⁴⁵ Priestley, *op. cit.*, 269.

⁴⁶ Pittman, *op. cit.*, 11-12.

⁴⁷ Records and Deliberations of the Cabildo, No. 1, p. 23 (March 6, 1770).

⁴⁸ Gabriel, *op. cit.*, 160.

mud, impassible even for carriages, and straining teams of mules pulled wagons through the mud.⁴⁹ The lack of drainage made veritable cesspools in the town's center, for refuse of all sorts and the dung of horses and cows which was never carted away presented a sea of filth and slime a foot deep to separate neighbors and produce a stench when half dry.⁵⁰

While near the river appeared "houses well built of brick,"⁵¹ the earlier type of dwelling was of wood, usually of cypress logs and most inflammable.⁵² These houses, set eight feet above the ground on square-hewn nine inch posts or else on round posts which had a four or five foot brick foundation wall,⁵³ formed a sort of cellar at ground level.⁵⁴ They were usually surrounded by large galleries.⁵⁵ Their roofs were steep and shingled, and the doors and window frames often of solid cypress.⁵⁶ They had an ordinary, even poor appearance,⁵⁷ and were divided at first into two or three rooms;⁵⁸ later they were again divided into four or eight rooms.⁵⁹ By 1770 there were seven or eight hundred houses in the city most of which were surrounded by picket fences.⁶⁰ It was the two disastrous fires of 1788 and 1794 which served to change materially the appearance of the city, for building regulations adopted in 1795 required the ensuing use of brick.⁶¹ The increasing population and the enormous profit in houses further encouraged the building of new brick ones, but a long time was to elapse before the wooden structures could gradually disappear.⁶² In the back parts of the town and in the suburbs they continued as before,⁶³ though some beautiful houses appeared in these same suburbs.

In the midst of these streets and buildings was a spacious square fronting the river,⁶⁴ the center square of the eleven origi-

⁴⁹ Barquin-Duvallon, *op. cit.*, 26; Priestley, *op. cit.*, 269; Robin, *op. cit.*, II 65.

⁵⁰ Robertson, *op. cit.*, I, 71; Barquin-Duvallon, *op. cit.*, 99.

⁵¹ Records of the Cabildo, No. 1, p. 23 (March 6, 1770.)

⁵² De Pagés, *op. cit.*, I, 25.

⁵³ Priestley, *op. cit.*, 269.

⁵⁴ A. Fortier, *A History of Louisiana* (New York: Manzi, Joyant and Company, 1904), II, 373.

⁵⁵ Pittman, *op. cit.*, 12; Priestley, *op. cit.*, 269.

⁵⁶ Priestley, *op. cit.*, 269; Stoddard, *op. cit.*, 152-153; *Account of Louisiana*, 16.

⁵⁷ Robertson, *op. cit.*, I, 67; Barquin-Duvallon, *op. cit.*, 25-26.

⁵⁸ Fortier, *op. cit.*, II, 375.

⁵⁹ Priestley, *op. cit.*, 269.

⁶⁰ *Ibid.*; Pittman, *op. cit.*, 12.

⁶¹ Priestley, *op. cit.*, 269; Cabildo Library, Book 4079, Document 248 (October 9, 1795).

⁶² Robin, *op. cit.*, II, 67.

⁶³ Barquin-Duvallon, *op. cit.*, 25-26.

⁶⁴ *Ibid.*, 26; Stoddard, *op. cit.*, 153-154; Pittman, *op. cit.*, 11.

nally laid out as the site of the city, and reserved at the time as the Place d'Armes.⁶⁵ About it were grouped the public buildings, mostly of French construction, dominated by the Cathedral at the back of the square facing the river.⁶⁶ There were two hospitals, the poorly built military hospital on a lower square facing the river and the charity hospital in the back part of the city near Fort Saint Ferdinand. Another important building was the Ursuline Convent, an excellent, spacious, two-storied building of brick with a shingled roof, and a fine fruit and vegetable garden.⁶⁷

New Orleans with its palisades, forts, gates, a moat, and filthy streets had a medieval appearance. Adverse geographic conditions, calamities, and the indifference of its inhabitants contributed in making naturally bad conditions worse. Even though the population had more than doubled there was no colonial post office, *bourse*, or other public place of transacting business.⁶⁸

CHAPTER II—THE WHITE PEOPLE

The term "Creole" as generally applied to those white inhabitants of Louisiana of French or Spanish extraction, bears a somewhat misleading connotation in its implication of duo-nationality. It was France rather than Spain which contributed the essential factors to the colonial background, for from that country came its language, traditions, customs, and tastes,¹ all of which combined with a frontier environment to produce the Louisiana Creole. This persistent dominance of the French ego in a Spanish possession can be accounted for in a measure by the vitality of the earlier inhabitants, who displayed in their attachment for the soil of their new location that same degree of possessive pride² which has always marked the Frenchman in his own *patrie*. Less worthy perhaps, but as definitely important, was the more or less constant accession to the French strain which would result in a colony where opportunity of asylum was offered to those desirous of living under the shelter of a foreign government while yet retaining their own language and customs.³

⁶⁵ Priestley, *op. cit.*, 269; Robin, *op. cit.*, II, 73.

⁶⁶ Robertson, *op. cit.*, I, 63; Stoddard, *op. cit.*, 153-154; Berquin-Duvallon, *op. cit.*, 40; Anonymous, *op. cit.*, 6.

⁶⁷ Robertson, *op. cit.*, I, 63; Stoddard, *op. cit.*, 156; Pittman, *op. cit.*, 12.

⁶⁸ Berquin-Duvallon, *op. cit.*, 40.

¹ Anonymous, *op. cit.*, 12; Oudard, *op. cit.*, 26.

² Berquin-Duvallon, *op. cit.*, 208.

³ *Ibid.*, 248.

In New Orleans, trading objectives with the attendant influx of foreigners⁴ seemed in no way to divert these elemental forces of racial tenacity and self interest. The additional population which the port received as settlers was in most instances formed into new communities,⁵ thus tending to leave the city with the same type of people. Especially was this true in the case of the Spanish groups.⁶ Spanish officialdom of course was represented,⁷ likewise the garrison, "a handful of proud and miserable Spaniards",⁸ and a merchant class of Spanish Catalans. These latter, although successful in their efforts to gain a foothold in the town by way of the tavern-keeping trade,⁹ could nevertheless be regarded as unassimilated elements, since they were avoided by the other inhabitants because of their anti-social ways.¹⁰ Thus did the ratio of Creole to foreigner contrive to remain fairly equal,¹¹ while at the same time the majority of the Creoles contrived to remain French.¹²

The precise number and distribution of the Creole portion of the population is somewhat difficult to determine, owing to the varied and incomplete system of census taking, the shifting nature of the foreign population, and the possible inaccuracies encountered in any classification involving mixed blood groups. The O'Reilly census of the year 1769 listed the population of New Orleans at 3,190 in which the free people numbered 1,902, including 1,803 whites, 31 blacks, and 68 of mixed blood, leaving a slave group of 1,288.¹³ In the year 1777 a document in the Archives of Seville lists the total population at only 2,809 but mentions a militia of 136.¹⁴ The next year, 1778, however, the same document lists the population at 3,059, a gain of 250. Of these, 1,905 were

⁴ *Ibid.*, 249-250, 276; Oudard, *op. cit.*, 264; F. X. Martin, *History of Louisiana* (New Orleans: James Gresham, 1882), 264.

⁵ Martin, *op. cit.*, 224. Terre aux Boeufs under Marigny de Mandeville and New Iberia on Bayou Teche under Bouligny were among those formed of immigrants from Malaga and the Canary Islands.

J. A. James, *Oliver Pollock: The Life and Times of an Unknown Patriot* (New York: D. Appleton-Century Company, 1937), 17, mentions the community of Des Allemands.

⁶ Martin, *op. cit.*, 224.

⁷ De Pagés, *op. cit.*, I, 25; Anonymous, *op. cit.*, 12.

⁸ Smyth, *op. cit.*, I, 66.

⁹ Robin, *op. cit.*, II, 77.

¹⁰ Oudard, *op. cit.*, 264; Berquin-Duvallon, *op. cit.*, 248.

¹¹ Anonymous, *op. cit.*, 12.

¹² *Ibid.*; Smyth, *op. cit.*, I, 66; Oudard, *op. cit.*, 264.

¹³ Fortier, *op. cit.*, II, 7; Martin, *op. cit.*, 206.

¹⁴ *Calendar of Documents Photographed in the Archives of Seville for the Carnegie Institution of Washington*. Despatches of the Governor of Louisiana to the Captain General of Cuba. Regular (civil) series, (1768-1791), No. 42.

free, 1,552 whites,¹⁵ 105 blacks, and 248 of mixed blood, while the slaves numbered 1,154. The militia had increased to 302, or a gain of 196 over the preceding year.¹⁶ The census for the following decade, 1788, puts the total number of inhabitants in New Orleans at 5,388,¹⁷ thus accounting for 2,329 more. As far as vital statistics are concerned this does not appear to indicate a high birth rate, since it was during this period that the settlers from Malaga and the Canary Island were received.¹⁸ It must be borne in mind, however, that the majority of these located in the country, thus adding to the rural population rather than the urban.

The year 1791 shows another decline in the city's total, for the census of November 6th gives the figure at 4,816.¹⁹ A significant social development is seen here in the increased number of free black and mixed blood in proportion to the other classes, for of the 3,212 free people 2,165 were white, and 1,147 black and mixed, as against the 353 listed in 1778.²⁰ Baron Carondelet wrote the next year that New Orleans still numbered less than 6,000. What increase there was appeared in the military force. From 381 in 1791²¹ the militia force expanded in 1793 to five companies of volunteers, one of artillery, and two of riflemen, or some 800 in all.²² A possible deduction might be drawn at this point in regard to the growth of the Spanish population, for the majority of the personnel was presumably Spanish.

During the next decade which included the treaty of 1795 and the subsequent influx of English and Americans,²³ the generally accepted figure for the population is 8,000.²⁴ Other estimates place it between 10,000 and 12,000, the variation being apparently accounted for by the inclusion or exclusion of military, slave, sea, or foreign population.²⁵ Six or seven thousand free people are

¹⁵ Martin, *op. cit.*, 224. A number of these were mentioned as being from the United States, East Florida, and Nova Scotia. They were required to take an oath of fealty during their residence. Eighty-seven British and Americans took it in 1779.

¹⁶ *Archives of Seville*, No. 42.

¹⁷ Martin, *op. cit.*, 251.

¹⁸ Gayarré, *op. cit.*, III, 119.

¹⁹ Carlos de Morant, Census of 1791.

²⁰ *Archives of Seville*, No. 42.

²¹ Census of 1791.

²² Martin, *op. cit.*, 259.

²³ Barquin-Duvallon, *op. cit.*, 249-250; Oudard, *op. cit.*, 264; Robin, *op. cit.*, II, 67.

²⁴ Stoddard, *op. cit.*, 151.

²⁵ Oudard, *op. cit.*, 264, gives 12,000. Perrin du Lac, *Travels Through the Two Louisianas* (London: G. Barnard, 1807), 87-93, gives 12,000. *Account of Louisiana*, 10, gives 10,000 including garrison and seamen. Barquin-Duvallon, *op. cit.*, 41, gives 10,000 not including garrison, royal service, merchant marine nor foreigners not domiciled. Collot, *op. cit.*, II, 95, gives "about 10,000 which includes the militia of 1,000."

thus mentioned, of whom four or five thousand were white, two of three thousand black or mixed blood freedmen, and the rest slaves,²⁶ the garrison of seven or eight hundred and the two companies of dragoons being counted as additional. Thus the aggregate whites must be counted at nearer 5,000 than 4,000, and since it was stated that the Creole population and the foreign contingent tended to be evenly divided,²⁷ the former would therefore number in the vicinity of 2,500 souls.

The physical characteristics of the Creoles provoked almost universal admiration. They were healthy,²⁸ well-built, and of moderate height,²⁹ and their vigor, neatness,³⁰ and good looks³¹ were a source of much comment. This was especially true in regard to their vivid complexions and piercing eyes.³² The latter appears to have been one of the particular charms of the Creole women who were fully as graceful as the men.³³ Even the critical Berquin-Duvallon mentions that their sparkling eyes were full of expression. Unfortunately these attractive exteriors appeared to have been somewhat marred among the women by "sharp, scolding voices, most unpleasant to ears not accustomed to them," and among both men and women by a facial expression which indicated "more simplicity than kindness, more conceit than pride, more slyness than penetration."³⁴

The Creole disposition, springing as it did from a Celtic rather than a Latin base, was logically consistent in the vagaries of its own temperament, and as logically characterized by that *élan vital* which Stoddard described as being "peculiar to the French and in no instance completely forsaking them."³⁵ To this natural volatility may be attributed their devotion to certain pleasures such as gambling and dancing to which they yielded

²⁶ Collot, *op. cit.*, II, 95, on an estimate of 10,000 gives 4,000 free mixed and slave, and 5,000 whites. Berquin-Duvallon, *op. cit.*, 41, gives 2,000 or 3,000 free mixed bloods and slaves. John Davis, *Travels in Louisiana and the Floridas* (Berquin-Duvallon) (New York: I. Riley and Co., 1806), 33, gives an estimate of 2,775 slaves, 1,335 freedmen, and 3,248 whites, adding 700 militia to give a total of 8,056. This is enumerated by quarters which in two places lack figures for free colored, thus reducing the total for that class.

²⁷ Anonymous, *op. cit.*, 12.

²⁸ Fortier, *op. cit.*, II, 33; Stoddard, *op. cit.*, 323, 324, 328.

²⁹ Oudard, *op. cit.*, 264; Berquin-Duvallon, *op. cit.*, 201; Stoddard, *op. cit.*, 323; Anonymous, *op. cit.*, 12.

³⁰ Oudard, *op. cit.*, 264; Berquin-Duvallon, *op. cit.*, 202; Stoddard, *op. cit.*, 323, 325.

³¹ Sibley's Journal, *loc. cit.*, X, 478; Anonymous, *op. cit.*, 12; Oudard, *op. cit.*, 264; Gayarré, *op. cit.*, III, 30.

³² Berquin-Duvallon, *op. cit.*, 202.

³³ *Ibid.*, 201; Oudard, *op. cit.*, 266.

³⁴ Berquin-Duvallon, *op. cit.*, 202-203.

³⁵ Stoddard, *op. cit.*, 321.

themselves in excess,³⁶ but which at the same time served as an escape for a nature easily bored.³⁷ This volatility is a quality which was, and continues to be essentially Gallic. Thus an innate need of novelty perhaps rationalizes their seemingly fickle relations with each other, as well as their treatment of strangers. As Berquin-Duvallon describes it:

. . . they evince for the new comer a certain self-interested enthusiasm; for them he is an extraordinary being, a piece of property which they enjoy in their own fashion . . . they compliment him, they flatter him . . . at the beginning of his visit when he still has the charm of novelty for them. Before long, however, even if he is a man of rare and transcendent merit . . . robbed of his novelty, he becomes in their eyes a non-entity, if not actually discredited.³⁸

Fundamentally then, Creole hospitality served the double objectives of diversion and self-interest,³⁹ but that mode of behavior is not exactly limited in the world to the French. Whatever the motives may have been, it is to the credit of the traditions of that nation that the skill and charm shown by the average Creole hostess was so universal.⁴⁰

The treatment they accorded each other, based as it was on the generally characteristic mixture of mercurial emotional adjustment and practical self-absorption of the French, was marked by the identical quality of irritability. There was, however, a difference in degree. The Creole, lacking the controls which marked French society, and whose extraction⁴¹ and environment necessitated active living rather than philosophical abstraction, missed perhaps the very outlets he needed in his indifference to learning.⁴² Because of this, the French intelligence and energy from which he was in no way exempt, belonging as it did to a more disciplined *milieu*, functioned spasmodically, and more or less separately, as physical activity along with mental indolence.⁴³ It can be said that the Creole's boredom increased as his opportunities for escaping it narrowed.

³⁶ *Ibid.*; Oudard, *op. cit.*, 264; Perrin du Lac, *op. cit.*, 87-93.

³⁷ Stoddard, *op. cit.*, 321, says further: "they escape from ballroom to cards, from cards to billiards, from billiards to dice and from dice to the ballroom again."

³⁸ Berquin-Duvallon, *op. cit.*, 210-211.

³⁹ Robertson, *op. cit.*, II, 69. Smyth, *op. cit.*, I, 189-197, remarked that "they receive strangers most hospitably making them know at the same time what risks they ran."

⁴⁰ Berquin-Duvallon, *op. cit.*, 243; Stoddard, *op. cit.*, 324.

⁴¹ Berquin-Duvallon, *op. cit.*, 248; Oudard, *op. cit.*, 264.

⁴² Oudard, *op. cit.*, 254; Stoddard, *op. cit.*, 310.

⁴³ Stoddard, *op. cit.*, 310, 321.

Under such conditions it is not strange that the relationships of the Creoles were marked by abuse, sarcasm, gossiping and quarreling⁴⁴ since their unconscious motives were perhaps less of evil than a craving for excitement. The fact that the trouble was mainly confined to words, and that reconciliations were frequent and easy, even in regard to those scenes which "in another land would mortally embroil two women or send two men at each other's throats"⁴⁵ could as well be attributed to this as to any superficiality of nature. In the same manner could be rationalized the behavior of the Creole women whose tendency to back-biting has been well discussed.⁴⁶ Likewise the habit of lying, which appeared to afflict every class, could be traced to this same source.⁴⁷

What is less easy to condone in the Creole was his apparent lack of sensibility.⁴⁸ This was shown in his treatment of the dead,⁴⁹ and his hardness of heart concerning the misfortunes of others, especially in regard to money.⁵⁰ To the latter quite French characteristic, in bourgeois circles at least, could be added another, the love of display which manifested itself in fondness for dress. In the men this took the form of military interests and adornments.⁵¹ To this also could be attributed the more ostentatious type of hospitality,⁵² the tendency toward boasting,⁵³ and the curiously hypercritical pride of family which was characterized by Berquin-Duvallon as "the interest they have in a crowd of relatives whom they never see for years, even when they live but a few leagues from each other", and whose funerals they attended "in mourning—more or less fashionable—as a sign of grief for those they scarcely knew by sight and certainly had never discommoded themselves in any way to help."⁵⁴

With all of this the more attractive aspects of French *esprit* were not wholly lacking. If French individualism expressed itself

⁴⁴ James, *op. cit.*, 13; Berquin-Duvallon, *op. cit.*, 210, 280.

⁴⁵ Berquin-Duvallon, *op. cit.*, 282.

⁴⁶ *Ibid.*, 280; Oudard, *op. cit.*, 266.

⁴⁷ Berquin-Duvallon, *op. cit.*, 280. "They lie about everything, sometimes nothing, just for the pleasure of it. From a mere whisper, some trifling object, or just nothing they will proceed immediately to manufacture the most lurid news in all possible detail. They will then relate the same in such firm, precise, and straightforward manner, as to make a veritable doubting Thomas out of anyone inclined to be at all skeptical."

⁴⁸ *Ibid.*, 210; Stoddard, *op. cit.*, 310, 324.

⁴⁹ Berquin-Duvallon, *op. cit.*, 226.

⁵⁰ *Ibid.*, 216.

⁵¹ Stoddard, *op. cit.*, 324; Perrin du Lac, *op. cit.*, 87-93; Oudard, *op. cit.*, 264.

⁵² Stoddard, *op. cit.*, 325.

⁵³ Berquin-Duvallon, *op. cit.*, 208, 280.

⁵⁴ *Ibid.*, 209.

in a certain complacency in regard to its own standards,⁵⁵ gaiety and politeness were not forgotten,⁵⁶ especially among the women who were responsible for keeping alive in a ruder environment the more civilized *nuances* of social graciousness.⁵⁷ The fact that they could do this was as much due to their superior intelligence⁵⁸ as to their traditional position of influence, even though the latter was maintained by a certain intractability of character which sometimes produced domestic discord.⁵⁹ As in France this dominance had a partially economic base, for in addition to their prerogatives of administration in a household often large and complex, they assumed management of property in all of its responsibilities.⁶⁰

The exact temper of *l'esprit Gaulois* as it existed on the banks of the Mississippi, which Stoddard says had the quality of being most happy, but most easily aroused by imposition, is perhaps best illustrated by Berquin-Duvallon's description of the historic quarrel at the Creole ball. He relates it as follows:

The older son of the Governor-General who disliked French Quadrilles and danced them badly, had several times succeeded in having the English dances substituted which he danced better. Since some of the group had naturally acquiesced to the preference of M. le Gouverneur's son, this act of compliance on the part of the assembly had been evidently misinterpreted on his part and he started to take advantage of it. Thus we behold our fine young fellow attempting to shout "English Quadrille" when seven French Quadrille sets had already been formed and the dancers had begun to move with the music. The dancers, astounded, . . . shouted back "French Quadrille." Joined by friends, he shouted again, and again the dancers and spectators redoubled their cries of "French Quadrille". Grand confusion then ensued, a hubbub which had no end, and the aggressor seeing that he could not gain his point ordered the music to cease. The Spanish officer, conscious only of his duty to the Governor's son, quickly ordered the guard into the hall, and they

⁵⁵ *Ibid.*, 210.

⁵⁶ Stoddard, *op. cit.*, 325; De Pagés, *op. cit.*, I, 24; Anonymous, *op. cit.* 12; Robertson *op. cit.*, I, 69.

⁵⁷ Stoddard, *op. cit.*, 324; Berquin-Duvallon, *op. cit.*, 242.

⁵⁸ Berquin-Duvallon, *op. cit.*, 243.

⁵⁹ *Ibid.*, 39-40. He remarks that while the Creole men apparently adjusted themselves to the situation, the Europeans resented this dominance. Scandalous scenes which ensued ended in separation. "Index to the Spanish Judicial Records of Louisiana", in *Louisiana Historical Quarterly*, VII (1924), 525. A court decision enjoins a woman "to cease vexing, ill-treating, and insulting the plaintiff" under penalty of corporal punishment.

⁶⁰ "Index to Spanish Judicial Records of Louisiana", *loc. cit.*, VI (1923), 691. According to the law every woman and her heirs held a mortgage upon the entire estate of her husband for the restitution of her dowry and other paraphernalia from the date of marriage.

arrived with fixed bayonets and drawn swords. At the sight of the guards, the tumult, if anything redoubled. When they were reportedly ordered to fire, you can imagine the flight of the women, and the rage of the men whose numbers were rapidly augmented by others from the gambling rooms. Grenadiers on one side, gamblers and dancers on the other, all ready to fight. Guns, bayonets, and swords, against swords, benches, and chairs! . . . At the critical moment, three young Frenchmen mounted the loges and eloquently harangued the crowd in the name of peace and the fair sex. . . . Thus order was finally established in the midst of uproar.⁶¹

It is the next sentence which perhaps best typifies the Creole for he finishes thus: "The ball was begun again and continued for the rest of the night in the presence of the old Governor, . . . and the honors of the field went to the French Quadrille."⁶²

It is interesting and important to note that the French population of New Orleans as early as 1803 was probably no greater than the foreign. Although it is impossible to ascertain the character of any people without many exceptions and reservations, the Creoles were in general gay, volatile, polite, hospitable, irritable, boastful, gossipy, insensible to the misfortunes of others, and easily aroused by imposition. It may be that an unhappy domestic life drove the men into concubinage with negresses.

CHAPTER III—LES GENS DE COULEUR

Two distinct social cultures, as represented by the Indians and Negroes, existed in close proximity to that portion of New Orleans which was fundamentally Caucasian in character. The fact that these first two groups outnumbered the dominating whites is significant, and it is important to note the effects these groups had upon the social mold of the Creoles.

The census of 1769 listed 60 Indian slaves in New Orleans.¹ O'Reilly's proclamation of the same year prohibited their further exploitation as such,² and he further declared that the owners of Indian slaves would have to prepare for their emancipation. Nothing was done about the matter, and the Indian slaves seemingly remained contented with their situation, but suddenly and

⁶¹ Berquin-Duvallon, *op. cit.*, 35-37.

⁶² *Ibid.*, 37.

¹ Martin, *op. cit.*, 206.

² Gayarré, *op. cit.*, III, 20. The sixty Indians who were already slaves were to remain with their masters "who will not in any way part with those they now have unless to set them free."

almost in a body they began applying for freedom to Governor Carondelet in 1793 and 1794. Carondelet recommended that their application for freedom be denied and blamed this rush for freedom on "certain agents who do not leave any opportunity of exciting within this province the dissensions which have produced the ruin of the French colonies."³ The final fate of this group of Indian slaves is to date unknown.

Several hundred free Indians lived with their families in flimsy skin or leaf-covered huts on the outskirts of the city.⁴ These savages were protected by the Spanish Government,⁵ and were provided with annual gifts symbolical of union and good will.⁶ Although their commercial activities were strictly regulated to the sale of game and a few other commodities⁷, this government support coupled with their skill as hunters⁸ seemed sufficient for their needs.⁹ There was no other occupation among the men, for work was considered unworthy.¹⁰ The women made and sold reed baskets, or such other domestic implements as fans and sieves.¹¹ They also gathered wood to sell in the town.¹² Both men and women, usually peaceful and inoffensive,¹³ wandered about the city during the day, returning to their camps at night.¹⁴ The sale of liquor to Indians was prohibited by law, but they managed to procure quantities of taffia of which they were inordinately fond.¹⁵ They were usually to be found "sitting about doing nothing or crouched near a little cask, in the shade if the weather proved hot, in the sun, if cold."¹⁶

The appearance of these savages, who were characterized by De Pagés as being so "only in name", was most striking.¹⁷ Of

³ *Ibid.*, III, 333-335.

⁴ Berquin-Duvallon, *op. cit.*, 191; Robertson, *op. cit.*, I, 81.

⁵ Robertson, *op. cit.*, I, 83.

⁶ *Ibid.*; Perrin du Lac, *op. cit.*, 92; Berquin-Duvallon, *op. cit.*, 191; Gayarré, *op. cit.*, III 192. From 1789 to 1797 \$300,000 was spent on presents for the Indians.

⁷ Proclamation of Gayoso, 1798.

⁸ Berquin-Duvallon, *op. cit.*, 191; Robertson, *op. cit.*, I, 83.

⁹ De Pagés, *op. cit.*, I, 29-30; Berquin-Duvallon, *op. cit.*, 195; Robertson, *op. cit.*, I, 83, mentions, however, that their frequent thefts of food was usually due to hunger.

¹⁰ Robertson, *op. cit.*, I, 85, relates the episode of an Indian child who was taken into a Creole home where he remained ten years "strengthening himself with toil." Upon being met by a dozen savages who recognized him and asked him why he was clothed and what he did, he replied and was forthwith put to death.

¹¹ *Ibid.*, I, 83; Berquin-Duvallon, *op. cit.*, 191.

¹² Robertson, *op. cit.*, I, 83.

¹³ *Ibid.*; De Pagés, *op. cit.*, I, 28.

¹⁴ Berquin-Duvallon, *op. cit.*, 191, mentions that they also wandered into houses.

¹⁵ *Ibid.*, 191, 198-199; Proclamation of Gayoso, 1798; Robertson, *op. cit.*, I, 83.

¹⁶ Berquin-Duvallon, *op. cit.*, 191.

¹⁷ De Pagés, *op. cit.*, I, 28.

medium height or taller, copper-colored, stocky, broad shouldered and muscular, with their coarse, partially-cut black hair, white teeth and strongly pronounced features of a melancholy cast, they were objects of interest and admiration to travelers.¹⁸ Both men and women wore skins or woolen blankets "tightly wrapped around their bodies even when in a sitting posture."¹⁹ A piece of coarse cloth covered the upper thigh; in the case of the women this cloth was lengthened to make a sort of skirt reaching nearly to the knees.²⁰ Some of the men had *mitasses* or leggings of skin or wool which reached from mid-thigh to calf.²¹ Their faces they painted all colors and designs. Blue spirals, lines and criss-crosses were often painted upon a vermillion-like background.²² Upon the face and stomach were made cuts which they colored red.²³ Their ornaments were of the usual barbaric variety and profusion, plates, collars, rings, necklaces, pearl, shell or glass-beaded bands which served as belts and head bands, for they bound their foreheads with the latter.²⁴ Pendants hung from ears and nose, but their crowning glory was the helmet of tall vari-colored plumes which nearly enveloped their heads.²⁵

It is interesting to note here that the number of Indians tended to diminish while the number of Negroes increased.²⁶ Smallpox, a veritable Indian scourge, strong drink, and their nearness to a civilized people are ascribed by Berquin-Duvallon as the chief reasons for this condition.²⁷

It was the Negro, already entrenched and already at this period divided into still other sociological units, who further complicated Creole social life.

In 1778 there were 353 free Negroes in New Orleans, more than two thirds of which were of mixed blood.²⁸ By 1803 this

¹⁸ *Ibid.*; Berquin-Duvallon, *op. cit.*, 193. He noticed and commented on the fact that "although they bear a marked resemblance to each other, . . . although they seem insensitive and their thoughts limited, their faces yet bear a trace of something at once melancholy and meditative."

¹⁹ De Pagés, *op. cit.*, I, 28; Robertson, *op. cit.*, I, 83; Berquin-Duvallon, *op. cit.*, 193.

²⁰ Berquin-Duvallon, *op. cit.*, 193; De Pagés, *op. cit.*, I, 28.

²¹ Berquin-Duvallon, *op. cit.*, 193.

²² *Ibid.* He further remarks with French wit that "thus decorated they are suitable for the carnival season, which is the very time they are in the city in the greatest numbers."

²³ Robertson, *op. cit.*, I, 83.

²⁴ *Ibid.*; De Pagés, *op. cit.*, I, 28; Berquin-Duvallon, *op. cit.*, 193.

²⁵ Robertson, *op. cit.*, I, 83; Berquin-Duvallon, *op. cit.*, 193.

²⁶ Berquin-Duvallon, *op. cit.*, 198-199; Martin, *op. cit.*, 223.

²⁷ Berquin-Duvallon, *op. cit.*, 198-199.

²⁸ *Archives of Seville*, No. 42, Census of 1778; Martin, *op. cit.*, 206. In 1769 the free Negroes numbered ninety-eight.

group numbered approximately 1,355.²⁹ This class of Negroes enjoyed a certain amount of government protection,³⁰ and as in the case of the Indians, such commercial privileges as they had were strictly regulated.³¹ Of slave origin, their liberty had been bought or obtained directly through blood relationships. Thus, their subsequent status was logically bound to retain some of its slave characteristics. For example, Governor Gayoso required them to obtain written permits from the Government before they could offer any goods for sale.³² Furthermore, they had to carry their certificate of liberty with them to prove that they were free.³³

The men carried on small businesses, or engaged in those "mechanical trades for which they had so much aptitude and so little liking."³⁴ Many were carpenters and tailors.³⁵ In a letter to James Madison, December 27, 1803, W. C. C. Claiborne mentions a "large corps of people of color" who were attached to the Spanish service and highly esteemed as soldiers.³⁶

Free women of color formed a redoubtable class. They, for the most part, lived in concubinage with the white men.³⁷ Mulattresses and the nearly white quadroons, with their yellow or bronzed-tinted complexions, vied with Creole women for the attention of Creole men.³⁸ Many of the young girls of this class were placed by their mothers with white men at the age of fourteen or fifteen.³⁹ White men, married and unmarried, lavished to a ruinous point⁴⁰ attentions upon these dusky beauties who were licentious and mercenary.⁴¹ White women naturally looked upon them with jealousy and contempt.⁴²

An attempt to define a color line, if not to maintain it, is shown in some of the local ordinances of the period which forbade women with the least trace of Negro blood to show any excessive

²⁹ Davis, *op. cit.*, 33.

³⁰ Robertson, *op. cit.*, I, 71; Berquin-Duvallon, *op. cit.*, 253.

³¹ Martin, *op. cit.*, 245-246; Proclamation of Gayoso, 1798.

³² *Ibid.*

³³ Records of the Cabildo, No. 2, pp. 215-217 (April 30, 1784).

³⁴ Berquin-Duvallon, *op. cit.*, 253; Robertson, *op. cit.*, I, 85.

³⁵ Robin, *op. cit.*, II, 8.

³⁶ Dunbar Rowland (ed.), *Official Letter Books of W. C. C. Claiborne, 1801-1816* (Madison: Democrat Printing Company, 1917), I, 314.

³⁷ Stoddard, *op. cit.*, 131; Berquin-Duvallon, *op. cit.*, 253; Sibley's Journal, *loc. cit.*, X, 479.

³⁸ Robertson, *op. cit.*, I, 85.

³⁹ *Ibid.*; Gayarré, *op. cit.*, III, 377.

⁴⁰ Robin, *op. cit.*, II, 419; Robertson, *op. cit.*, I, 85.

⁴¹ *Ibid.*

⁴² Robertson, *op. cit.*, I, 85; Baudry des Lozières, *Sécond Voyage à la Louisiane* (Paris, 1803), I, 281.

attention to dress. The wearing of feathers or jewelry, or in any way copying the dress of the whites so that they could not be easily distinguished from them was forbidden.⁴³ The wearing of caps, coiffures and Spanish mantillas was against the law. Since their heads were required to be bound it was thus that the handkerchief turban became a badge of distinction for that race, though in this matter as in others there was great laxity in the enforcement of the law.⁴⁴

The slave class also had within itself the divisions of mixed bloods and full blacks. The number of Negro slaves increased from 1,128 in 1769 to approximately 2,775 in 1803. In the first years of the Spanish rule the number declined. This decline was probably due to the restrictive commercial policy of Spain which brought with it economic depression. In 1792, owing to a fear of insurrection, the importation of slaves from the Caribbean region was prohibited, but with the growth of the sugar industry and commercial prosperity the embargo was lifted in 1800.⁴⁵

In contrast to the savage splendor of the Indians the Negroes must have made a somewhat miserable appearance. Carondelet, however, had made an effort to improve their wardrobe by legislation.⁴⁶ Their usual single garment consisted of a woolen blanket from which they made a sort of cloak which covered them from head to knees.⁴⁷ It is asserted that this was at times paid for by its owner, who was forced to work out its value during the rest periods of the shorter days of winter.⁴⁸ Their cabins, smoky and rudely fashioned of stakes and cypress planks, were of the most primitive order.⁴⁹

A noticeable difference existed between the slaves imported from Africa and those from other European colonies in the Caribbean.⁵⁰ Negroes from these latter points were better mechanics

⁴³ Chambers, *op. cit.*, I, 342, "Bando de Buen Gobierno de Miro."

⁴⁴ *Ibid.* "The adjustment of these kerchiefs in time became a matter of art. Its winding began as a Turkish turban, but ended in a conical elongation slanting backwards."

⁴⁵ Martin, *op. cit.*, 256.

⁴⁶ *Ibid.*, 257; *Archives of Seville*, No. 119. This listed: "Two brown shirts, a woolen coat and pantaloons, one pair of linen pantaloons, and two handkerchiefs, yearly for each male slave, the females to be provided with suitable dresses."

⁴⁷ Berquin-Duvallon, *op. cit.*, 266.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*, 239. He relates an anecdote of a decrepit Senegal negress whose cabin was in such bad repair that the roof could no longer shelter her from the rain. Upon being visited by her master whom she had reared from infancy she pulled him inside to look at the holes saying, "Have pity my son on old Iroule, at least have it fixed above my bed." The bed of which she spoke so touchingly consisted of three planks roughly placed on two cross pieces and covered with a layer of Spanish moss.

⁵⁰ *Ibid.*, 275.

and servants while slaves from Africa were the better fitted for farm work.⁵¹ This work was constant but not particularly arduous except in the sugar-making season. Then the work was out of all proportion to the number of available workers.⁵²

If the amount of labor required of these blacks was not excessive neither was the food. Lacking the foodstuffs of the Antilles, such as yams, mangoes, squashes, and bananas, the usual slave ration was a barrel of ear corn each, monthly, with a little salt on occasion. The available rice, potatoes, and beans was scarcely enough to feed a fourth of them.⁵³ To this the Negro sometimes added a small piece of game killed in wood or field, such as squirrel or wood rat;⁵⁴ the tail portion of the alligator was considered edible and apparently enjoyed;⁵⁵ a vegetable patch, tended during the rest period fixed by law,⁵⁶ contributed something toward the necessary sustenance in a few cases; fowls and pigs were raised to sell, and money derived from the sale of these usually went to buy some garment or else taffia—a commodity greatly prized—although its sale to slaves was conditionally prohibited by law.⁵⁷

For governing the slaves and masters the Black Code of Louis XIV was reenacted in the province by O'Reilly.⁵⁸ Some of the provisions of the Code were impractical, and, ostensibly, they were universally ignored. The points that had a more or less immediate and practical bearing upon local needs seem to have been more uniformly interpreted and enforced by a simple but unique system of written permits. The clauses forbidding slaves to assemble and prohibitions regarding horses and weapons are significant.⁵⁹ Apparently the regulation most seriously regarded was that which forbade slaves to sell articles without the required written permis-

⁵¹ *Ibid.*, 255, 275.

⁵² *Ibid.*, 263.

⁵³ *Ibid.*, 264; Martin, *op. cit.*, 257; *Archives of Seville*, No. 119.

⁵⁴ Berquin-Duvallon, *op. cit.*, 266. They also ate the wolf and wild cat.

⁵⁵ *Ibid.*; Pope, *op. cit.*, 242.

⁵⁶ Berquin-Duvallon, *op. cit.*, 265; Martin, *op. cit.*, 257; *Archives of Seville*, No. 119. A two hour rest period was provided at dinner, and Sundays were supposed to be work exempt.

⁵⁷ Records of the Cabildo, No. 2, pp. 215-217 (April 30, 1784); Martin, *op. cit.*, 245-246, "Bando de Buen Gobierno de Miro"; Berquin-Duvallon, *op. cit.*, 267.

⁵⁸ Gayarré, *op. cit.*, III, 256.

⁵⁹ Black Code of Louisiana, in B. F. French, *Historical Collections of Louisiana* (New York: D. Appleton & Co., 1851), III, 89-95; Martin, *op. cit.*, 245-246, "Bando de Buen Gobierno de Miro"; Records of the Cabildo, No. 2, pp. 215-217 (April 30, 1784). Hunters were excepted, but they had to have their master's name marked on the stock for the purpose of identification.

sion.⁶⁰ Attempts were made to control the use of liquor in the same manner.⁶¹

The application of the Code was hampered in still another way. Owners of dangerous slaves feared to give them up to the processes of the law as they represented a financial investment, and the loss of the services of the slave was not relished.⁶² The most unruly were therefore in a position to be tolerated with little fear of punishment until the problem was met by a system of indemnification for the owners.⁶³

The records and deliberations of the Cabildo of August 6, 1773, contain documents relative to an agreement made that an indemnity should be paid to an owner whose Negro was executed.⁶⁴ November of the same year gives the assessment of citizens as a method of raising money to pay for a Negro.⁶⁵ In January of the next year the sum of two hundred pesos is recorded as definitely paid for a Negro that was hanged.⁶⁶ By November 1775 the actual amount of the individual assessments of citizens is noted and agreed upon.⁶⁷ The apprehension of criminal Negroes was thus facilitated.

A royal schedule of 1789 dealt with the treatment and education of slaves. Some of its provisions were not unlike those of the Code. The Cabildo sent a spirited protest to the home government, giving various reasons why the schedule should not be enforced. On account of the expense they objected to the provision that required each planter to support a chaplain to minister to the spiritual needs of his slaves. Provisions for the separation of the sexes were unpopular, as males and females were often needed to work at the same time and place.⁶⁸ Too, the article concerning slave marriages caused some confusion since "the Spanish only, allow marriage, with the other colonists it

⁶⁰ Records of the Cabildo, No. 2, pp. 215-217 (April 30, 1784); Proclamation of Gayoso, 1798. Berquin-Duvallon, *op. cit.*, 212, relates the anecdote of a negress, who, having a written permission, was nevertheless seized the third time she went to sell some articles to a neighboring household. She was forced to lie upon the ground to receive twenty-five lashes on her bare back. He ends, however, by saying, "the Negro overseer, more humane than the white tyrant, profiting by the evening dusk, had the presence of mind to strike most of the blows upon the ground."

⁶¹ Records of the Cabildo, No. 2, pp. 215-217 (April 30, 1784).

⁶² *Ibid.*, No. 1, p. 129 (August 6, 1773).

⁶³ Martin, *op. cit.*, 224. A royal decree of May 4, 1778, finally fixed the price at \$200 a head as an indemnity for those whose slaves were executed, imprisoned perpetually, or transported.

⁶⁴ Records of the Cabildo, No. 1, p. 129 (August 6, 1773).

⁶⁵ *Ibid.*, No. 1, p. 161 (November 19, 1773).

⁶⁶ *Ibid.*, No. 1, p. 171 (January 14, 1774).

⁶⁷ *Ibid.*, No. 1, p. 229 (November 17, 1775).

⁶⁸ Gayarré, *op. cit.*, III, 301-305.

is not the custom."⁶⁹ The observance of Sundays and holidays was questioned because of the necessity for having to gather crops at certain times.⁷⁰ If the schedule was not withdrawn it certainly was not enforced.

The runaway slave was a fairly constant factor in the Creole scheme of existence. Nearly every number of *Le Moniteur de la Louisiane* carried escape notices with the names, descriptions and tribes to which they belonged, such as Nago or Nar.⁷¹ Their owners were required to notify the Cabildo of the escape within five days. The name of the escaped slave with his description was recorded, and the rewards for his return were exactly computed according to a mileage system.⁷² In the case of his being killed in the process of being taken the indemnification provision was still operative. The value of the slave was appraised by two citizens who were neighbors of the owner.⁷³ These fugitives, hiding in the deep swamps near the city, became at times a dangerous element in the community.⁷⁴ It is said that a sawmill operator employed them to cut timber in the forest and deliver the squared logs to his mill.⁷⁵ Foodstuffs, however, seemed to have been their main objective in most cases of robbery.⁷⁶

The customary punishments, chains and the whip, were, according to Berquin-Duvallon, not more severe here than elsewhere.⁷⁷ Twenty-five lashes was the usual penalty.⁷⁸

⁶⁹ Fortier, *op. cit.*, II, 144-145.

⁷⁰ *Ibid.*; Berquin-Duvallon, *op. cit.*, 206; Proclamation of Gayoso, 1798. "No slave may maintain a rented house or apartment separate from his master . . . unless he be a slave married in *facie Ecclesias* to a free woman, or a woman slave to a free man."

⁷¹ Fortier, *op. cit.*, II, 219.

⁷² Records of the Cabildo, No. 1, p. 132 (August 27, 1773). They are listed as follows: 4 pesos for a fugitive 4 leagues away, 6 pesos for a fugitive 16 leagues away, 8 pesos for a fugitive 32 leagues away, 10 pesos for a fugitive 50 leagues away, 12 pesos for a fugitive at Natchitoches or Opelousas.

⁷³ *Ibid.*, No. 2, p. 167 (March 14, 1783), contains an appraisal of a Negro by four men who were part of an expedition in search of the wild Negroes belonging to M. Bellisle and Madame St. Amant. A Negro informer "Charlie" belonging to Madame Mandeville was to be rewarded with 200 pesos to "stimulate the other Negroes to give information."

⁷⁴ *Ibid.*, No. 2, pp. 219-223 (May 28, 1784). The inaccessible slave village "Gaillard" was ruled by the daring "Senor Malo" and his lieutenant "El Caballero de la Hache" so called from his bloodthirsty career which included splitting open the head of a white man with an ax at one blow. After a period of robberies, murders, and marauding activities, the Creoles, in fear of a general uprising requested Colonel Bouigny to send all available troops, as the small detachment sent against them had been unavailing. The Cabildo on June 14, 1784, reports the success of this expedition conducted by Colonel Francisco Bouigny.

⁷⁵ Index to the Spanish Judicial Records of Louisiana (May 26, 1781), *loc. cit.*, XVI (1933), 512-516.

⁷⁶ Records of the Cabildo, No. 2, pp. 224-225 (June 4, 1784).

⁷⁷ Berquin-Duvallon, *op. cit.*, 271. He says, "a theft, which in Europe would bring one to the galleys or even the gibbet, here merits a whipping or the yoke of an iron collar . . . The English sailors, in a country so proud of her constitutionality liberty, are treated in matters of discipline quite as badly."

⁷⁸ Records of the Cabildo, No. 2, pp. 215-217; Berquin-Duvallon, *op. cit.*, 212; Proclamation of Gayoso, 1798; Martin, *op. cit.*, 257; *Archives of Seville*, No. 119.

The fact that the Indians were considered important enough to be bought off with annual gifts is significant. Even though they were peaceful, and the policy of the Spanish government was conciliatory, the presence of a large number of them near the city must have caused a great deal of uneasiness. In the case of the Negroes, the policy of the government was humane, but ignorance of local conditions produced legislation of an impractical and confusing nature which in turn created additional problems. The frequent escapes of Negro slaves coupled with an example of a successful insurrection elsewhere effected a widespread fear of black supremacy. Added to these elements of social instability was a comparatively numerous class of free people of mixed blood. These people engendered difficult problems of control and of morals. In short, the disunified social grouping about New Orleans was responsible for the high degree of tension that was never absent in the community.

CHAPTER IV—ECONOMIC CONDITIONS

The peculiarly dual nature of the functions which New Orleans performed as a port, involving both the distribution of its own commodities and that of goods in transit, was an inherent factor of its geographical position. Situated between the river, that important artery running north and south, and the lake, with its easy access to Northern Louisiana and the Gulf by way of Bayou St. John,¹ the city could scarcely escape becoming the axis of such commercial activities as were of a definitely radiating type. Because it was an axis, its prosperity if not its actual existence depended upon the volume of its trade.²

Ocean going vessels,³ the smaller coastal schooners from such ports as Mobile and Pensacola which could enter by Lake Pontchartrain,⁴ and river craft of numerous kinds gathered in the roadsteads.⁵ Barges, *batteaux*,⁶ and pirogues loaded with merchandise

¹ Sibley's Journal, *loc. cit.*, X, 479; Pittman, *op. cit.*, 41-53.

² Records of the Cabildo, No. 1, p. 70 (August 16, 1771); No. 2, p. 68 (August 17, 1781).

³ Edward Channing, *A History of the United States* (New York: Macmillan Company, 1917), IV, 310; Sibley's Journal, *loc. cit.*, X, 481.

⁴ Pittman, *op. cit.*, 41-53; Berquin-Duvallon, *op. cit.*, 25.

⁵ Pittman, *op. cit.*, 41-53.

⁶ James, *op. cit.*, 19; Martin, *op. cit.*, 216. These covered boats, manned by eighteen to twenty-six hands, ascended the river to the Illinois villages rowing or poling against the current if their sails could not be used. The trip took three months but the return could be made in fourteen to sixteen days.

for barter among the Indians at Natchitoches were in evidence.⁷ Light four-oared canoes were used as despatch boats by the Spaniards.⁸

For some time, however, the unfortunate restrictive policy of the Spanish in regard to this colonial trade presented many obstacles to the development of the commerce which was the inevitable basis of the city's economic life.⁹ A regime which involved all the instabilities of special privilege, constant changes, and official cupidity, produced also a constantly growing contraband trade,¹⁰ which appeared to exist mainly because of the physical impossibility of building an export and import trade through the legitimate channels of legitimate need. Indigo, while an important commodity produced in the colony had, nevertheless, to compete against that of Guatemala and Caracas which Spain was said to prefer.¹¹ The valuable timber had the disadvantage of being too heavy to transport long distances, although the West Indies did provide a good market.¹² Furs faced the problem of preservation and disposal in a hot climate,¹³ better sugar was produced in the other colonies,¹⁴ and Spain liked Cuban tobacco.¹⁵ Likewise those imports allowed presented a picture almost as futile. The commodities sent to New Orleans from Havana or other ports consisted not of objects needed and desired by the colonists, but of "rum, molasses, and sugar, adulterated and spoiled oils, raisins and all other unsalable objects which had already been rejected in Havana, never . . . the necessary clothes or food or even agricultural implements."¹⁶ Since such merchandise as Europe could send under restrictions was unduly high in price,¹⁷ it is not strange that contraband trade developed rapidly¹⁸ to "make things tolerable" and so satisfy a real demand, especially for food.¹⁹ The Spanish, although fearful of losing their legitimate trading rights,

⁷ De Pagés, *op. cit.*, I, 30. These were made of a single hollowed out tree trunk. De Pagés describes one thirty-five feet long, five-oared, which made about four leagues a day.

⁸ James, *op. cit.*, 19; Sibley's Journal, *loc. cit.*, X, 483. There was also a fortnightly post to Natchez which went along the river.

⁹ Martin, *op. cit.*, 216-217; Gayarré, *op. cit.*, III, 164.

¹⁰ Perrin du Lac, *op. cit.*, 87-93; Robertson, *op. cit.*, I, 95; Gayarré, *op. cit.*, III, 28; Martin, *op. cit.*, 244; Channing, *op. cit.*, IV, 311.

¹¹ Martin, *op. cit.*, 216-217.

¹² *Ibid.*; De Pagés, *op. cit.*, I, 25.

¹³ Martin, *op. cit.*, 216-217.

¹⁴ *Le Moniteur de la Louisiane*, No. 304, August 14, 1802.

¹⁵ Records of the Cabildo, No. 1, pp. 35-36 (July 5, 1770).

¹⁶ *Ibid.*, No. 2, p. 60 (August 17, 1781).

¹⁷ Smyth, *op. cit.*, I, 380; Pope, *op. cit.*, 41.

¹⁸ Anonymous, *op. cit.*, 9.

¹⁹ Smyth, *op. cit.*, I, 380.

were, nevertheless, later forced to modify their regulations in order to relieve their colonists.

During the period of French occupation the colony had paid with the products of its own location for the merchandise sent it by the mother country,²⁰ and in addition it had carried on a brisk trade with the French portion of Santo Domingo.²¹ But the schedule of 1766, published by Ulloa, confined Louisiana's trade to six peninsular ports,²² and produced so much trouble that after two years a duty exemption was begun on Spanish merchandise and permission given for two French boats a year to enter.²³ Evidently matters did not improve, as the Cabildo on October 5, 1770, reported that the city was suffering a serious food shortage, and that retailers and wholesalers were buying provisions on the river, preventing the necessary commodities from reaching the city.²⁴ This the authorities tried to remedy by requiring all boats to sell their supplies at a designated time and place.²⁵ In August 1771 Attorney General Don Santiago Beauregard asked permission to make known to the King "the deplorable condition of the province", and it was decided by the city council to address the King.²⁶ March of 1775 saw a serious shortage of flour, and in the following November there was such an "exportation of provisions as to seriously endanger the population."²⁷ The next year the duty on exports was reduced from four to two per cent, but in spite of this and the fact that French ships "could come in ballast to New Orleans taking products to be paid for in specie, bills of exchange or Guinea Negroes", and that Louisiana boats could bring in food and European goods, the lack of necessities was still pressing.²⁸ The tobacco crop, the export of which had been prohibited with disastrous results to the growers, was finally guaranteed by the Spanish Crown, probably as a result of the plea made in July 1770 by the colonists who had asked to be allowed to trade it for Negroes from the French Islands.²⁹

²⁰ Gayarré, *op. cit.*, III, 28.

²¹ *Ibid.*, III, 314-315.

²² Martin, *op. cit.*, 216, royal schedule of 1766. These were Seville, Carthagena, Malaga, Barcelona, Coruna, Alicante. No merchandise could be carried on any but Spanish-built vessels, owned and commanded by Spaniards. They were prohibited from entering any other port in America.

²³ *Ibid.*, royal schedule of March, 1769.

²⁴ Records of the Cabildo, No. 1, pp. 8, 41-42 (December 9, 1769; October 5, 1770).

²⁵ *Ibid.*, No. 1, pp. 41-42 (October 5, 1770).

²⁶ *Ibid.*, No. 1, p. 71 (August 23, 1771).

²⁷ *Ibid.*, No. 1, pp. 121, 209 (March 15, November 17, 1775).

²⁸ *Ibid.*, No. 1, pp. 236-238 (February 23, March 5, 1776); Martin, *op. cit.*, 216.

²⁹ Records of the Cabildo, No. 1, pp. 35-36 (July 5, 1770); Martin, *op. cit.*, 223.

The years 1777, 1778, and 1779 were of the same depressing character. The Cabildo reported on June 20, 1777, that the bad condition of the flour made bread so poor as to cause illness and forthwith appointed a sanitary inspector.³⁰ The next year Galvez issued a proclamation "that owing to the distress of the times" exports could be made to any French port. This proclamation was soon followed by another which included the American ports.³¹ Still, the year 1779 continued with such a dearth of provisions for the rapidly increasing population that 500 pesos were withdrawn from the city funds to purchase them.³² The Spanish efforts to meet the situation continued in the form of still greater concessions. The King's schedule of 1782 allowed direct importations from France, and "in case of necessity" trade with the French West Indies. Negroes could be obtained from the colonies of neutral or allied powers.³³

The confusion of the colony's trading affairs had early reacted to the advantage of other nations, especially the English, who, enjoying the favor of certain Spanish officials, were soon able, as O'Reilly earlier said, "to gain complete control of commerce".³⁴ This they carried on most effectively as a river trade operated by means of a system of warehouses located at Baton Rouge, Natchez and Manchac, and by floating "stores" which were moored in the river opposite the city.³⁵ Perrin du Lac mentions a contraband trade with Mexico which was carried on advantageously because "European merchandise is sold at such high prices in this rich country that speculators are encouraged to risk speculation."³⁶

It was a series of calamities³⁷ which befell the city, however, and notably the disastrous fire of 1788, which was partially responsible for the American commercial invasion of New Orleans. Galvez, in describing the terrible hurricane of 1779, says that there

³⁰ Records of the Cabildo, No. 1, p. 265 (June 20, 1777).

³¹ Martin, *op. cit.*, 239.

³² Records of the Cabildo, No. 1, p. 311 (March 12, 1779). The scarcity of provisions was partly due to the bad condition of the levee. *Ibid.*, No. 2, pp. 77-78 (October 12, 1781), mentions that the frequent breaks were ruining the crops, and *ibid.*, No. 2, pp. 144-147 (November 8, 1782), contains the complaints of various planters whose "orchards and vegetables are ruined also." *Archives of Seville*, No. 69 (October 24, 1784), says that financial transactions were rendered difficult because paper money in Louisiana suffered a fifty per cent discount.

³³ Records of the Cabildo, No. 2, pp. 110-114 (April 19, 1782).

³⁴ Gayarré, *op. cit.*, III, 8.

³⁵ Martin, *op. cit.*, 216-217; Robertson, *op. cit.*, I, 95.

³⁶ Perrin du Lac, *op. cit.*, 87-93.

³⁷ Gayarré, *op. cit.*, III, 335-336. The communication of Carondelet to the Court of Madrid: "It seems as if three hurricanes in fourteen months were not enough. The first fire destroyed a larger number of buildings, but the second was more disastrous financially."

was not one canoe or vessel left in the river, scarcely a house was left, and crops, cattle, stores and all were lost.³⁸ The conflagration of 1788 was regarded as a still greater calamity.

According to the official report of Governor Miro and Intendant Navarro, April 1, 1788, a fire originating in the house of Don Vicente Jose Nunez, army paymaster, at half past one in the afternoon of March 21st reduced the city to ashes within the space of five hours and occasioned a loss estimated at three million dollars.³⁹ Eight hundred and fifty-six houses were razed to the ground.⁴⁰ The church, priest's house, guard house, jail, and the arsenal with all but 750 guns were destroyed, as were all the commercial establishments except three, from which little was saved in the confusion that ensued.⁴¹ The collection of funds and emergency rations proceeded apace, and three ships were dispatched to Philadelphia bearing 24,000 pesos for the purchase of 3,000 barrels of badly needed flour.⁴² Thus began that lucrative connection between New Orleans and Philadelphia, a connection which was countenanced, if not actually encouraged, by both Miro and Carondelet. Both appeared to realize its good effects, and permitted the establishment of commercial houses in their city in defiance of Spanish law.⁴³

The second fire of December 8, 1794, described by Carondelet as being more disastrous financially, was like the first fanned by a violent wind.⁴⁴ It raged for three hours with an estimated loss of \$2,595,961, and again destroyed the provisions of the city.⁴⁵ It was due to the efficient response made by Vincente de Marbois at Santo Domingo that the fire losses were at all sustained, for in general the colony continued to lag under the Spanish prohibitive system.⁴⁶

However, a provision of the Treaty of 1795, between the United States and Spain, conferred upon Americans the right to

³⁸ Chambers, *op. cit.*, I, 323; James, *op. cit.*, 12, quoting Oliver Pollock: "It is too distressing to put on paper . . . books and paper I saved, the only articles in my house I could keep dry."

³⁹ *Publications of the Louisiana Historical Society*, VIII (1914-15), 59-63; *Louisiana Historical Quarterly*, XX (1937), 582-589.

⁴⁰ *Ibid.*; *Archives of Seville*, No. 1 (April 1, 1788).

⁴¹ *Ibid.* The report lists the remaining buildings as follows: Intendant's Governor's and a few private houses; the tobacco, Indian, and provision warehouses, the dragoon and permanent regiment barracks, the Royal Hospital, and the Ursuline Convent.

⁴² *Proceedings of the Louisiana Historical Society*, VIII (1914-15), 59-63.

⁴³ Martin, *op. cit.*, 249; Perrin du Lac, *op. cit.*, 87-93; Pope, *op. cit.*, 41; Smyth, *op. cit.*, I, 380.

⁴⁴ Gayarré, *op. cit.*, III, 333-336.

⁴⁵ *Ibid.*

⁴⁶ Barbé Marbois, *The History of Louisiana* (Philadelphia: Carey and Lea, 1830), 146.

deposit goods at New Orleans free from all government exactions, while awaiting transshipment to ocean-going vessels. When the news of this treaty reached New Orleans the hopes and ambitions of the colonists revived. It was Pontalba who said: "the country is going to become one of the most prosperous in the world . . . the population will increase in an incredible manner, property will double in value, and our city will resemble Philadelphia in the diversity of nations who will live here."⁴⁷ The subsequent commercial development was in truth rapid. In 1799, seventy-eight ocean-going vessels entered the port as against the thirty-one of 1794, one hundred and ten river craft instead of the twenty-three of that same year, and the outward bound boats instead of twenty-six numbered sixty-six.⁴⁸ This was at the expense of the Spanish, for within three years after the treaty their shipping began to decline in spite of their efforts to recapture it.⁴⁹ Thus, freed of its major obstructions, trade in the port of New Orleans during the last years of the Spanish domination became the foundation of the city's larger mercantile prosperity. It is apparent that colonial industry and agriculture, stimulated by its wider opportunities, in turn provided an active market for those commodities and even luxuries which returned to it in trade.

The type and extent of this trade, carried on in a city which De Pagés described as being "but the residential headquarters of officials, merchants, and planters, who devote their time to their affairs and live there only in the intervals of their business,"⁵⁰ was naturally determined by the character of the exports and imports which flowed through it.

Indigo, furnished by the plantations along the river, had provided an export crop which in 1769 was valued at \$400,000.⁵¹ A single plantation opposite the city produced 6,000 pounds which sold at a dollar a pound.⁵² Due to adverse factors, however, such as lack of sufficient hands,⁵³ bad seasons, and insects which in 1793 and 1794 practically ruined the crops,⁵⁴ the exportations fell

⁴⁷ Priestley, *op. cit.*, 275; Channing, *op. cit.*, IV, 310.

⁴⁸ Channing, *op. cit.*, IV, 311.

⁴⁹ *Ibid.*; Perrin du Lac, *op. cit.*, 87-95; Martin, *op. cit.*, 284. The files of *Le Moniteur de la Louisiane* from August 1802 to November 1803 show that nearly all the brigs, schooners, and frigates during this period were American.

⁵⁰ De Pagés, *op. cit.*, I, 25.

⁵¹ James, *op. cit.*, 18; Pittman, *op. cit.*, 44-53; Robertson, *op. cit.*, I, 95.

⁵² James, *op. cit.*, 18.

⁵³ Robertson, *op. cit.*, I, 95; Gordon, *loc. cit.*, VI, 17-19.

⁵⁴ Martin, *op. cit.*, 263.

to 80,572 pounds in 1801.⁵⁵ The sugar export in contrast reversed the process. Its impetus was due to the fact that Etienne de Boré discovered by experimentation that it was possible to grow sugar cane that would mature sufficiently in one season to yield syrup. The further discovery was made that if the canes were cut, piled in heaps, and covered with straw, they would keep for some time without turning sour. In 1795 Boré sold his crop at a good profit and thereby gave new life to the province.⁵⁶ From the small amount of sugar produced on five plantations in 1766⁵⁷ the quantity increased until in 1801, 1,333,333 pounds of sugar left New Orleans.⁵⁸ Besides the fairly consistent exports of rice,⁵⁹ 375,137 pounds of cotton, and 44,294 pounds of Kentucky tobacco, as well as quantities of furs and pelts were exported the same year.⁶⁰ The West Indian lumber market had continued to make that export important,⁶¹ consisting as it did of cedar, maple, and cypress boards and shingles from plantation sawmills.⁶² The casks alone destined for shipment to the West Indies in 1800 amounted to 200,000 valued at \$225,000.⁶³ A curious item of export, furnished by local industry of a primitive type appears in the mention of the myrtle-wax candles which were made from the twigs of the native "candle-berry" tree.⁶⁴ The process is described by De Pagés⁶⁵ who mentions also the exports of salt meats, made from the "Illinois" or wild cattle, and bear oil which, however, due to later scarcity, was prohibited in 1803.⁶⁶

The protection of all these material resources remained quite as much of a problem as their exploitation, for to the dangers of trade interference were added the dangers of floods, unfortunately

⁵⁵ *Le Moniteur de la Louisiane*, No. 334, March 12, 1803; Perrin du Lac, *op. cit.*, 87-93.

⁵⁶ Martin, *op. cit.*, 263; Channing, *op. cit.*, IV, 301.

⁵⁷ Gordon, *loc. cit.*, VI, 19; Sibley's Journal, *loc. cit.*, X, 480.

⁵⁸ *Le Moniteur de la Louisiane*, No. 334, March 12, 1803.

⁵⁹ Gayarré, *op. cit.*, III, 335-336. Two thousand barrels of rice were exported to Santo Domingo, Cuba and Campeche in 1800. Records of the Cabildo, No. 5, p. 37 (January 13, 1803), reports a shortage of rice. *Le Moniteur de la Louisiane*, No. 334, March 12, 1803, announced that the export of rice was forbidden by the Intendant.

⁶⁰ *Le Moniteur de la Louisiane*, No. 334, March 12, 1803, gives the exports of 1801. *American State Papers, Miscellaneous*, I, 354-356; *Ibid.*, Finance, II, 56, Tables F and G.

⁶¹ James, *op. cit.*, 18.

⁶² *Ibid.*; Robertson, *op. cit.*, I, 41, 53. Sibley's Journal, *loc. cit.*, X, 485-486, gives a description of an early sawmill.

⁶³ James, *op. cit.*, 18; Gayarré, *op. cit.*, III, 443.

⁶⁴ De Pagés, *op. cit.*, I, 26; Pittman, *op. cit.*, 41-53.

⁶⁵ De Pagés, *op. cit.*, I, 27. The twigs were cut into small pieces and put into a vat with a framework in the bottom which allowed the *lessive* poured over them to drain through. After about two hours the fatty part of the twig separated gradually and falling to the bottom of the vat "produced a sediment which when cooled makes a loaf of greenish wax of fairly firm consistency."

⁶⁶ De Pagés, *op. cit.*, I, 25; *Le Moniteur de la Louisiane*, No. 334, March 12, 1803.

unamenable to any procession of royal schedules. What could be legally done, however, was done. The Levee Ordinance of Governor Carondelet was designed to this end. Various residents who "had particular knowledge of the work" were selected as "syndics" to oversee the levees in their districts, to determine needed repairs and to see that the work was done.⁶⁷ Planks, pickets, and Spanish moss were to be kept always at danger points under penalty of \$100 fine, and methods of ditching and draining were precisely specified.⁶⁸ In spite of all this, the levees for the most part were in far from good condition. Crevasses and overflows gravely harassed both the possessions and the morale of the colonists.⁶⁹

Aside from coffee⁷⁰ and those imports of flour which formed the basis of the American trade,⁷¹ the majority of incoming commodities were chiefly articles of European trade.⁷² France provided furniture, linens, hats, laces, jewelry, silks, glassware, and olive oil.⁷³ These arrived in such profusion as to cause an actual oversupply.⁷⁴ England sent hardware, fine cloths, and manufactured goods, especially of cotton.⁷⁵ Wine was imported in quantities⁷⁶ as well as whiskey,⁷⁷ and there was a good business in condiments such as brandied fruits, sausages, pickles, and anchovies, or the "white sugar imported from Vera Cruz."⁷⁸ All this called for distribution; therefore merchandising, often of a highly speculative type, combined with shipping to form the nucleus of the city's economic life.

It is noticeable that New Orleans, in no wise exempt from the ancient laws of supply and demand, produced a numerous and active merchant class who were purveyors of foodstuffs.⁷⁹ The

⁶⁷ L. L. Porteous, "Governor Carondelet's Levee Ordinance of 1792", in *Louisiana Historical Quarterly*, X (1927), 513-514.

⁶⁸ *Ibid.*

⁶⁹ Grace King, *Creole Families of New Orleans* (New York: Macmillan Company, 1921), 86; Records of the Cabildo, No. 1, p. 238 (March 5, 1776), No. 2, pp. 77-78 (October 12, 1781), 144-147 (November 8, 1782).

⁷⁰ *Le Moniteur de la Louisiane*, No. 333, March 5, 1803. There is also mentioned 322,500 pounds of soap.

⁷¹ *American State Papers, Miscellaneous*, I, 135-136; *Ibid.*, *Finance*, II, 56; Channing, *op. cit.*, IV, 311-312, gives 9,333 barrels of flour from upstream.

⁷² "William Johnson's Journal", in *Louisiana Historical Quarterly*, V (1922), 35.

⁷³ Priestley, *op. cit.*, 270; Robin, *op. cit.*, II, 90, 101.

⁷⁴ Robertson, *op. cit.*, I, 85.

⁷⁵ L. L. Porteous, "Trial of Pablo Rocheblave before Governor Unzaga, 1771", in *Louisiana Historical Quarterly*, VIII (1925), 372-373 (English Trader's Invoice of Goods); Channing, *op. cit.*, IV, 311-312; Robin, *op. cit.*, II, 96, 100.

⁷⁶ Robertson, *op. cit.*, I, 79; Berquin-Duvallon, *op. cit.*, 42.

⁷⁷ Channing, *op. cit.*, IV, 311-312. Five hundred gallons of whiskey were shipped from Natchez in 1794.

⁷⁸ *Le Moniteur de la Louisiane*, No. 304, August 14, 1802.

⁷⁹ Robin, *op. cit.*, II, 77.

bakers, especially through their manipulations of the all important flour supply, contrived to make their trade the most lucrative.⁸⁰ This was made possible through adulterating good flour with inferior and spoiled flours, cheaply bought,⁸¹ and by selling short weight.⁸² There remained in addition those opportunities for such chicanery as might be incidental to government privilege.⁸³ The butcher's trade likewise flourished, though apparently under healthier conditions, for meat was everyone's food,⁸⁴ usually plentiful and cheap.⁸⁵ Robin, describing the dietary habits of the Creoles, said: "No country on earth eats more of it. . . . little pieces of bread are served with great pieces of meat; the amount the children eat would frighten a European."⁸⁶ Thus, the markets, usually sold out by eight or nine o'clock in the morning, furnished⁸⁷ beef which retailed at six sols a pound.⁸⁸ There was good pork and inferior mutton at one escalin. Veal, game, and poultry, such as turkeys and chickens, were fairly cheap,⁸⁹ as was the really excellent salt meat of the "Illinois cattle",⁹⁰ and fish. The latter consisted of perch, pike, sturgeon, eels, and carp which was largely eaten by Negroes since one weighing ten or twelve pounds could be bought for one escalin.⁹¹ Good oysters,⁹² crayfish,⁹³ and shrimp⁹⁴ are also mentioned.

⁸⁰ *Ibid.*, II, 77, 79; Berquin-Duvallon, *op. cit.*, 108, says that the wholesale price was four to six piastres a barrel and that it was sold for at least double that price.

⁸¹ Robertson, *op. cit.*, I, 79; Robin, *op. cit.*, II, 77. This flour could be bought for one and one-half piastres a barrel.

⁸² Berquin-Duvallon, *op. cit.*, 118, 187; Robin, *op. cit.*, II, 77.

⁸³ Records of the Cabildo, No. 1, pp. 24-25 (April 20, 1770), 108 (October 30, 1772); Smyth, *op. cit.*, I, 380. The trading privileges given to the firm of Wiley and Morris of Philadelphia were said to net the local officials \$20,000 annually, as all the flour being consigned to the King was paid for by the Governor who ordered it sold at \$1 a barrel clear profit after deduction of costs.

⁸⁴ Records of the Cabildo, No. 1, p. 39 (September 14, 1770), mentions, however, butcher's contracts and the abuses of letting one person control the supply.

⁸⁵ Robin, *op. cit.*, II, 80, 114; Stoddard, *op. cit.*, 156.

⁸⁶ Robin, *op. cit.*, II, 77.

⁸⁷ *Ibid.*, II, 80. Cows, not oxen, supplied the beef. The latter were used extensively for farming, being worked by the horns.

⁸⁸ *Ibid.*, II, 77; Berquin-Duvallon, *op. cit.*, 287; Robertson, *op. cit.*, I, 81; Proclamation of Gayoso, 1798. The price of pork and beef was to be posted weekly. Those selling higher or falsifying weight were to be fined.

⁸⁹ Berquin-Duvallon, *op. cit.*, 287; Robertson, *op. cit.*, I, 81; Pope, *op. cit.*, 37; Anonymous, *op. cit.*, 13.

⁹⁰ Robertson, *op. cit.*, I, 81.

⁹¹ Thomas Hutchins, *Historical Narrative of Louisiana and West Florida* (Philadelphia, 1784), 30.

⁹² Sibley's Journal, *loc. cit.*, X, 480.

⁹³ Berquin-Duvallon, *op. cit.*, 106; Hutchins, *op. cit.*, 50.

⁹⁴ Hutchins, *op. cit.*, 30, tells how the shrimp were caught by means of a canvas baited with a bit of meat. B. H. Latrobe, *The Journal of Latrobe* (New York: D. Appleton & Co., 1905), 35, mentions shrimp and gumbo. Sibley's Journal, *loc. cit.*, says, "there is a dish they call gumbo, a thick soup made of okra and eaten with rice." Baroncelli-Javon, *op. cit.*, 46, says of the rice that "the inhabitants . . . became so satiated with rice" that they would willingly trade ten pounds of it for one of flour.

The vegetable market appears to have been in an undeveloped condition, for vegetables were scarce and exorbitant in price.⁹⁵ In this connection mention is made of the German community of "Des Allemands" forty miles from the city, which was depended upon as a source of market supplies. Its inhabitants were called "the very laborious providers and victuallers of the town."⁹⁶ They sold among other things eggs and butter,⁹⁷ but the latter was difficult to get. Although imported olive oil was on the market,⁹⁸ Alliot remarked that "eating oil and fat are sometimes so scarce that were it not for the savages who bring in their pirogues bear's fat called bear oil, this product would be priceless."⁹⁹ It is interesting to note that this fact was not lost upon the Cabildo. The records of January 10, 1771, show a memorandum to the effect that the price of bear fat could be taxed three reales in the future instead of two and one-half.¹⁰⁰ A little better civic spirit was shown though, in their decision to protect the city's food supply, since "the great abuses in the sale of provisions which are exposed to the elements" determined them to build a warehouse.¹⁰¹

Tavern-keeping, another lucrative business activity, was practically monopolized by the Catalans. They were characterized by Robin as being a thrifty and industrious people, but unfortunately the Creoles considered them as being inferior.¹⁰² Local demand combined with large imports of wine, and a system of price fixing by the tavern-keepers who bought in agreement at public sale,¹⁰³ made large profits possible, "many managing to become rich."¹⁰⁴ The drinking water which commonly accompanied the wines was drawn from the river,¹⁰⁵ since there were no fountains and the shallow wells contained water unfit for any but the crudest purposes.¹⁰⁶ The inns, boarding houses, and hotels were fairly

⁹⁵ Robertson, *op. cit.*, I, 81; Robin, *op. cit.*, II, 114.

⁹⁶ James, *op. cit.*, 17; Records of the Cabildo, No. 2, p. 2 (October 1, 1779); Robertson, *op. cit.*, I, 95.

⁹⁷ Robertson, *op. cit.*, I, 95.

⁹⁸ Robin, *op. cit.*, II, 90.

⁹⁹ Robertson, *op. cit.*, I, 81.

¹⁰⁰ Records of the Cabildo, No. 1, p. 53 (January 18, 1771).

¹⁰¹ *Ibid.*, No. 1, p. 317 (May 21, 1779).

¹⁰² Robin, *op. cit.*, II, 77.

¹⁰³ Robertson, *op. cit.*, I, 79; Berquin-Duvallon, *op. cit.*, 42; Records of the Cabildo, No. 1, p. 231 (December 11, 1775). Twenty-four bartenders were allowed for serving the public.

¹⁰⁴ Robin, *op. cit.*, II, 77.

¹⁰⁵ Sibley's Journal, *loc. cit.*, X, 479.

¹⁰⁶ Berquin-Duvallon, *op. cit.*, 80.

good though high priced¹⁰⁷ due to the cost of provisions, special taxes,¹⁰⁸ and a doubtful demand.

Real estate provided another type of profitable business, for lodgings were scarce and expensive in the more favored districts of the city.¹⁰⁹ The cost of building was also high¹¹⁰ but this in turn made the building trades a lucrative occupation, particularly the carpenters, since much of the construction was of wood.¹¹¹ Masonry, confined largely to the building of brick walls and foundations,¹¹² was a necessary part of this branch of industry. To the mason's trade, according to Alliot, was indebted the prosperity of Pensacola as being the "source of the yellow stucco with which they coated their houses" and without which "scarcely ten ships a year would visit the place."¹¹³

Metal working, except in the cruder forms, was hampered by the cheap hardware imported by the English. There were few or no blacksmiths, due to the fact that it was not considered necessary to shoe the horses.¹¹⁴ The goldsmith's trade was not considered a good business venture chiefly because of the local custom of debasing the gold.¹¹⁵ In spite of the supply of excellent native material cabinet making lagged also. Fine furniture was usually imported, for such cabinet makers as there were, were rare.¹¹⁶ Although domestic leather was inferior, due to insufficient tanning, the poor quality of the boots and shoes imported from France and the United States stimulated the shoemaking trade.¹¹⁷ Tailoring, mainly done by the French "who charged ten pesos for making a single coat," usually of English material, was evidently profitable, since some were said by Robin to have earned five or six thousand piastres in two or three years.¹¹⁸

¹⁰⁷ Robin, *op. cit.*, II, 116. Fortier, *op. cit.*, II, 7, lists six inns, six boarding houses and twelve taverns in 1769. Latrobe, *op. cit.*, 234, mentions Madame Fournier's. Sibley's Journal, *loc. cit.*, X, 478, mentions Madame "Flemangs." R. B. Truett, *Trade and Travel Around the Southern Appalachians Before 1830* (Chapel Hill: University of North Carolina Press, 1935), 157, mentions the Orleans Hotel built by Samuel Moore in 1788-1789.

¹⁰⁸ Fortier, *op. cit.*, II, 7.

¹⁰⁹ Robin, *op. cit.*, II, 67; Anonymous, *op. cit.*, 13; King, *op. cit.*, 89-91; Sibley's Journal *loc. cit.*, X, 479; Berquin-Duvallon, *op. cit.*, 42.

¹¹⁰ Priestley, *op. cit.*, 275; Robertson, *op. cit.*, I, 85.

¹¹¹ Robin, *op. cit.*, II, 81, mentions a fugitive from Santo Domingo who "came without a sou and in three or four years had secured a house worth thirty or forty thousand dollars exclusive of the value of the grounds."

¹¹² *Ibid.*, II, 84; Records of the Cabildo, No. 1, p. 40 (September 20, 1770).

¹¹³ Robertson, *op. cit.*, I, 107.

¹¹⁴ Robin, *op. cit.*, II, 83; Sibley's Journal, *loc. cit.*, X, 479. Mules were used in the carts as well as horses. A good mule sold as high as two or three hundred dollars.

¹¹⁵ Robin, *op. cit.*, II, 96.

¹¹⁶ *Ibid.*, II, 81.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*, II, 80.

The manufacturing world was represented by several establishments. There was a large rope factory and one or two plants for small shot, starch or hair powder.¹¹⁹ There was also a cotton mill,¹²⁰ a sugar refinery,¹²¹ and twelve distilleries which annually turned out considerable amounts of *taffia*, a spirit similar to New England rum.¹²² In the domain of the entrepreneur there remains the classic example of the dentist M. Lartique, who, "continuing to practice his profession will receive in a superb *savanne* horses and cattle at \$1 a head."¹²³

A city where "business is mainly founded on . . . petty trade, commercial enterprises, and a most sordid speculation,"¹²⁴ where the practices of usury and informing were tolerated, could well be a city where the career of solicitor was profitable.¹²⁵

With all these means of wealth only a few became prosperous. According to Berquin-Duvallon:

In spite of all these means of affluence . . . the colonists in general remained poor, for opulence, concentrated as it was among the small number of government officials, merchants and planters, was never properly distributed.¹²⁶

For this Alliot blamed the merchants. He states:

It is he who fixes the price of the settler's products . . . by a system of mortgage . . . whose advances and loans during the year force the settler to deliver his goods always lower than the current prices.¹²⁷

Since the ordinary day wage was about four escalins or fifty cents, and living was expensive, there were few who could live in comfort.¹²⁸

For such as could afford it, however, living standards were high.¹²⁹ Their handsome and comfortable residences¹³⁰ with

¹¹⁹ Anonymous, *op. cit.*, 15; Stoddard, *op. cit.*, 304.

¹²⁰ Stoddard, *op. cit.*, 304; Berquin-Duvallon, *op. cit.*, 40.

¹²¹ *Ibid.*; Anonymous, *op. cit.*, 15; Sibley's Journal, *loc. cit.*, X, 483.

¹²² Anonymous, *op. cit.*, 16; Stoddard, *op. cit.*, 304; Martin, *op. cit.*, 263.

¹²³ *Le Moniteur de la Louisiane*, No. 324, January 1, 1803.

¹²⁴ Berquin-Duvallon, *op. cit.*, 280.

¹²⁵ *Ibid.*, 178, 280. He says that the richest man in the colony, Don Andres Almonaster, "Landed in New Orleans poor as Job but less scrupulous" and amassed a huge fortune as a solicitor within the space of ten years.

¹²⁶ *Ibid.*, 205.

¹²⁷ Robertson, *op. cit.*, I, 69; H. P. Darr, "Ordinance of Governor Unzaga Concerning Contracts", in *Louisiana Historical Quarterly*, II (1919), 448-449.

¹²⁸ Robertson, *op. cit.*, I, 85; Berquin-Duvallon, *op. cit.*, 42-43.

¹²⁹ Berquin-Duvallon, *op. cit.*, 42, fixed the minimum maintenance for a family of four with three or four servants at 2,000 piastres annually.

¹³⁰ Rowland, *op. cit.*, I, 314.

polished floors¹³¹ and wide, covered galleries,¹³² were often filled with imported luxuries.¹³³ Their detached kitchens, though but poorly furnished with a few "big and little cast iron kettles, without handles,"¹³⁴ contrived to "cover the Creole tables with a great variety of dishes."¹³⁵ These included many of an imported nature such as figs, liqueurs, anchovies, prunes, almonds, and vermicelli,¹³⁶ besides exotic fruits from ornamental gardens, such as bananas, lemons, limes, ginger, and pineapple.¹³⁷

An idea of the luxury which prevailed among these citizens of New Orleans may be gained from the household inventory of Bernard de Verges, among whose possessions were listed such articles as cypress and walnut chairs, beds, and wardrobes, horse-hair mattresses, walnut consoles, carved tables, arm and rocking chairs upholstered in leather and scarlet velvet, mirrors, pictures, linens, down quilts, embroidered cloths, porcelain, silver, and a sedan chair.¹³⁸ More impressive still was that of Jean Baptiste Prevost, a man of social and financial distinction, whose India table alone was appraised at 120 livres, and whose tapestry, backgammon boards, chairs, bedsteads, and day beds of walnut, mirrors, silver candlesticks, and bath tub of copper, were insignificant compared to his magnificent galleried library of over three hundred volumes.¹³⁹ His personal belongings of some thirty trimmed and seven plain shirts three dozen handkerchiefs, suits of black velvet, crimson, and blue taffeta, white silk and gold braided waistcoats are a partial index to the richness and elegance of the dress of the period.¹⁴⁰

It is interesting to note, however, that environment made strange variations in these standards of dress. Robin says that the hot climate made the aping of French fashions ridiculous.¹⁴¹

¹³¹ Stoddard, *op. cit.*, 328.

¹³² Fortier, *op. cit.*, II, 74.

¹³³ Robertson, *op. cit.*, I, 95.

¹³⁴ Fortier, *op. cit.*, II, 74; Robin, *op. cit.*, II, 93.

¹³⁵ Stoddard, *op. cit.*, 52.

¹³⁶ Robin, *op. cit.*, II, 91; *Le Moniteur de la Louisiane*, No. 324, January 1, 1803, carried the advertisements of two confectioners. One, Laplanche, advertised preserves, liqueurs, bologna sausages, and children's playthings.

¹³⁷ Sibley's Journal, *loc. cit.*, X, 482.

¹³⁸ *Louisiana Historical Quarterly*, VII (1924), 79-86. The value of his possessions exclusive of real estate and silver in his town house was 7,923 livres. The contents of his plantation "Trianon" inventoried at 17,365 livres exclusive of land or buildings.

¹³⁹ *Ibid.*, IX (1926), 411-457.

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*, I, No. 3 (1918), 103. A bill of goods to the Chevalier d'Aubigny listed one dozen embroidered jackets, and accessories of gold and silver trimmings, silks of white, pink, blue and cherry. Silks and jackets sold for 6,957 francs.

Their ordinary dress consisted perforce of a "long jacket and trousers to protect them from the mosquitoes which abound here in summer,"¹⁴² and their great coats, or coats for winter were commonly modeled on identical lines with those of their slaves, save for the hood.¹⁴³

The dress of those women who could afford it was equally as extravagant and elaborate. Rich embroidery, silks, and mouselines trimmed fashionably with taffeta, lace, or gold sequins gave an air of splendor which was yet characterized by Berquin-Duvallon as being rather tasteless.¹⁴⁴ Headdresses of aigrettes, quantities of jewelry, and rouge provided further embellishment.¹⁴⁵

The fact that an army of servants "whose numbers at times approached folly"¹⁴⁶ moved amid this luxury may have provided the basis for James' comment that Creole society bore a close resemblance to that of France during the reign of Louis XV.¹⁴⁷ The inimitable Berquin-Duvallon summarized the situation more flatly.

A country yet poor in itself, whose purely governmental prosperity is based on circumstances which depend solely upon an English and American trade which might be cut off at any moment, is not a country adapted to such ostentation.¹⁴⁸

The picture should be fairly complete. A severe economic depression characterized the first years of the Spanish rule. Fires, floods and hurricanes coupled with the Spanish restrictive system produced a widespread lack of the necessities of life. The Treaty of 1795 plus improvements in the manufacture of sugar brought prosperity, a prosperity that was only enjoyed by the planter-merchant-official class. This class domination of the economic resources of the city might explain the prevalence and popularity of French Revolutionary propaganda in the last years of Spanish New Orleans.

¹⁴² Fortier, *op. cit.*, II, 34; James, *op. cit.*, 13.

¹⁴³ Robin, *op. cit.*, II, 104, says that the Chartist and Trappist monks conceived the ideas for their habits from these mantles. "The original idea was introduced into Europe by the sight of a group of Negroes thus attired working in the fields in winter." The masters' coats were of better material, larger, and had collars.

¹⁴⁴ Berquin-Duvallon, *op. cit.*, 266. Robin, *op. cit.*, II, 81, says that the women went barefoot at home "at least part of the year on their wooden floors."

¹⁴⁵ Berquin-Duvallon, *op. cit.*, 286; James, *op. cit.*, 13; *Le Moniteur de la Louisiane*, No. 304, August 14, 1802.

¹⁴⁶ Anonymous, *op. cit.*, 15.

¹⁴⁷ James, *op. cit.*, 13.

¹⁴⁸ Berquin-Duvallon, *op. cit.*, 270.

CHAPTER V—HEALTH AND SANITATION

The lack of natural drainage which was due to the peculiar topography of New Orleans presented grave problems of civic health as well as those of building. A visitor commented:

If New Orleans is not at all healthful and the bad air that its inhabitants breathe occasions fatal diseases, the reason is due in part . . . to the abundance of stagnant water, which for lack of proper drainage lies all year in the cypress groves surrounding the city. . . .¹

This was apparent to Governor Carondelet for in his discussion of the projected canal to the Bayou St. Jean he said:

Should this drainage not be executed, it will be necessary to abandon the town in three or four years, for the inundation of the Mississippi or the breaking of any of its levees . . . will cover almost all the streets . . . and thus make the town a sort of sink which will have not outlet for its waters.²

These adverse geographical conditions, aggravated as they were by rainfall and overflow,³ were made still worse by the carelessness of the municipality itself in regard to matters of sanitation.⁴

The markets of the city were badly ventilated and malodorous.⁵ The quays were "a place of continual infection, disagreeable and unhealthful" because of the rubbish and filth, such as dead fish, which were thrown there.⁶ The courtyards, stables and outbuildings of even the better houses were rarely cleared out, nor were the vacant lots, some of which, in addition to being enclosed, were far too low.⁷ In spite of an occasional cleaning,⁸ the streets constituted a grave menace to health.⁹ This was partly owing to the refuse-laden, stagnant water which so often stood in them and partly a result of the numbers of dogs and swine which roamed freely about.¹⁰ That dead animals were not properly buried, or

¹ Robertson, *op. cit.*, I, 65.

² Gayarré, *op. cit.*, III, 332.

³ Robertson, *op. cit.*, I, 63; Records of the Cabildo, No. 2, pp. 144-147 (September 8, 1779).

⁴ Porteous, "Letter . . . to the Cabildo Complaining of Sanitary Conditions", in *Louisiana Historical Quarterly*, XV (1932), 613-617.

⁵ Perrin du Lac, *op. cit.*, 87-93.

⁶ Porteous, "Letter Complaining of Sanitary Conditions", *loc. cit.*, XV, 613-617; Oudard, *op. cit.*, 264.

⁷ Berquin-Duvallon, *op. cit.*, 90; Porteous, "Letter Complaining of Sanitary Conditions", *loc. cit.*, XV, 613-617.

⁸ Records of the Cabildo, No. 2, pp. 311-312 (March 12, 1779).

⁹ Porteous, "Letter Complaining of Sanitary Conditions", *loc. cit.*, XV, 613-617; Robertson, *op. cit.*, I, 63.

¹⁰ Robertson, *op. cit.*, I, 63; Berquin-Duvallon, *op. cit.*, 90; Martin, *op. cit.*, 263; Rowland, *op. cit.*, II, 273; Records of the Cabildo, No. 2, pp. 311-312 (March 12, 1779).

even carried away is evident, for an edict became necessary to control the nuisance.¹¹

The city authorities were not indifferent to these evils and attempts were made to remedy them. The Carondelet canal was expected to assist in ridding the city of its stagnant ponds,¹² while a request was made to the Crown to have the city fortifications razed "because the fevers which every year carry off the most valued portion of the population . . . date from the time when there were dug around the palisades those ditches which are always full of stagnating water."¹³ This condition was not believed to have existed before.¹⁴ Moreover a succession of edicts appeared, designed to improve the streets and thus correct that "lack of supervision which causes diseases, corruption, and pest which often visit New Orleans."¹⁵ Swine, at first confined,¹⁶ were not to be raised nor kept within the city.¹⁷ Garbage was to be thrown into the water fronting the barracks, and not on the quay,¹⁸ while the dogs were ordered reduced in number and then removed from the streets.¹⁹ In addition, citizens were made responsible for the walks fronting their property, even to the point of having them swept and sprinkled once a day during summer.²⁰ Also no dirty water was to be poured into the gutters, nor were "leather trimming, shavings, tailor's remnants, oysters shells, glassherds or potsherds" to be thrown into the roadway.²¹ The factory nuisance early appeared in New Orleans, for mention is made that the "manufacturers of toilet powders must establish their shops outside the city in order to prevent infection and the evil odor that the putrefaction of the flours exhale."²²

It is notable that even at this time the fear of infection was a predominating motive for such sanitary improvements as

¹¹ Proclamation of Gayoso, 1798; Chambers, *op. cit.*, I, 342-343; Martin, *op. cit.*, 245-246.

¹² Martin, *op. cit.*, 263.

¹³ *Ibid.*; Gayarré, *op. cit.*, III, 582; Berquin-Duvallon, *op. cit.*, 90.

¹⁴ Berquin-Duvallon, *op. cit.*, 91.

¹⁵ Robertson, *op. cit.*, I, 63.

¹⁶ Chambers, *op. cit.*, I, 342-343; Records of the Cabildo, No. 2, pp. 311-312 (March 12, 1779).

¹⁷ Proclamation of Gayoso, 1798.

¹⁸ *Ibid.*

¹⁹ "Bando de Buen Gobierno de Miro", Chambers, *op. cit.*, I, 342-343; Martin, *op. cit.*, 245-246; Proclamation of Gayoso, 1798. "Within the precise period of three days all dogs, mastiffs, curs, or bulldogs that are found on the streets shall be killed. Any citizens who might wish to keep such for pleasure or use must keep them indoors."

²⁰ Proclamation of Gayoso, 1798.

²¹ *Ibid.*

²² *Ibid.*

were made.²³ The mosquito, though recognized as a distressing pest, was, of course, without significance as a carrier of disease. Its affinity for stagnant water was noted,²⁴ likewise its prevalence and the effect of its bite, which is quaintly described as "covering the skin with tiny tumors or inflamed pustules which in disappearing leave a purple spot, disturbing to say the least."²⁵ That "malignant fever", object of such anxiety, "whose symptoms varied . . . so as to baffle the local doctors who knew not what remedy to use" was known only as a disease which in some manner could be carried, "though not epidemic."²⁶ Still this lively realization of possible contagion, even though the exact manner of transmission was unknown, provided the necessary impetus for attempts at quarantine.²⁷ The effects of inoculation are also graphically illustrated in regard to the matter of smallpox in the city. In 1779 the disease raged.²⁸ According to Alliot fifteen hundred children died of it in 1802,²⁹ but Berquin-Duvallon reported that it was mild "because of the inoculation, and that for fourteen years it had not appeared at all."³⁰ Unfortunately the government and the clergy were opposed to inoculation, and after a convocation and long session of the Cabildo, it was formally prohibited in support of the stand taken by the church.³¹

The winter season in New Orleans, in spite of a tendency toward pleurisy and pneumonia, was healthier than the summer months,³² though Charleston was reported to be far worse.³³ Skin and dental troubles are mentioned as being a fairly constant afflict-

²³ Perrin du Lac, *op. cit.*, 87-93; Oudard, *op. cit.*, 264; Gayarré, *op. cit.*, III, 582; Records of the Cabildo, No. 2, pp. 144-147 (November 8, 1782); Porteous, "Letter Concerning Sanitary Conditions", *loc. cit.*, XV, 613-617; Rowland, *op. cit.*, II, 273.

²⁴ Martin, *op. cit.*, 263.

²⁵ Berquin-Duvallon, *op. cit.*, 107. An amusing account of the annoyance caused by mosquitoes is given by this traveler who continues thus: "From the beginning of spring to the beginning of autumn these diabolical creatures provoke you, harass you, torment you unceasingly with their sharp bills . . . The hours consecrated to repose can be preserved only by a veil of linen or muslin called a mosquito net, which forms a continuous curtain around the bed . . . It is behind this rampart that one is out of reach of the infuriated enemies who do not cease to advance with a sharp buzzing around that curtain which robs them of their prey."

²⁶ Berquin-Duvallon, *op. cit.*, 34.

²⁷ Records of the Cabildo, No. 1, p. 304 (August 27, 1779). The necessary steps toward isolation were in the form of a wholesale removal of the afflicted to the other side of the river. Parents had to accompany their children to see that the proper care was taken of them. Citizens agreed to report cases to the Cabildo so they could be sent away.

²⁸ *Ibid.*

²⁹ Robertson, *op. cit.*, I, 63.

³⁰ Berquin-Duvallon, *op. cit.*, 96.

³¹ *Ibid.*, 97, further says: "However from all the agitation on the subject and the firm conviction that they have of the happy effects of inoculation . . . the practice will continue as before. The Creole youth . . . will continue to be inoculated before the very eyes of the governor, the bishop, and the Capuchin clergy, who can, if they see fit, excommunicate alike the inoculation, the inoculated and the inoculator."

³² *Ibid.*, 91.

³³ Sibley's Journal, *loc. cit.*, X, 483.

tion,³⁴ as well as children's diseases,³⁵ epilepsy, and dysentery,³⁶ but tuberculosis was not common³⁷ and physical deformities, such as hunchback, were few.³⁸ It was yellow fever, which, with the possible exception of leprosy, was productive of the greatest distress and fear.³⁹

This disease is said to have first appeared in the city in epidemic form in the fall of 1796.⁴⁰ Its subsequent outbreaks often reached epidemic proportions, though the authorities tried to conceal the fact through fear of panic.⁴¹ It might be added that there was also the less worthy fear of the possibly disastrous effects on immigration, for it was most fatal to foreigners, especially the English.⁴² Spaniards and Negroes seemed much less susceptible.⁴³ Known variously as malignant fever, black vomit, or yellow fever,⁴⁴ it brought business in New Orleans to a standstill. Pontalba, in a letter to his wife, mentions that the city was nearly deserted, that his rental property was vacant, and that almost all the English carpenters and masons were dead.⁴⁵ Everyone who could fled to the country, or Barataria, or to the other side of the river.⁴⁶ The appalling number of fatalities⁴⁷ produced some interesting innovations in the way of precautions. These included the wearing of garlic and camphor, the burning of tar, and the use of hartshorn and vinegar; the latter being liberally sprinkled about the rooms and over the servants.⁴⁸

Leprosy, another affliction which beset the city, was brought there, according to medical testimony, by the Acadians in 1756.⁴⁹

³⁴ Berquin-Duvallon, *op. cit.*, 203.

³⁵ *Ibid.*, 91, mentions the attacks of worms which were often fatal. Don Antonio Ulloa, *Mémoires Philosophiques, Historiques, Physiques* (Paris, 1787), I, 273, speaks of an illness called "the seven day malady which attacks new born infants. Many die of it before any suspicious symptoms can be noticed for the children appear strong and healthy."

³⁶ Ulloa, *op. cit.*, I, 273; Berquin-Duvallon, *op. cit.*, 91.

³⁷ Stoddard, *op. cit.*, 324.

³⁸ Berquin-Duvallon, *op. cit.*, 203.

³⁹ Perrin du Lac, *op. cit.*, 87-93. King, *op. cit.*, 99, 100, 106, says that "corpses were found unburied . . . hastily concealed by leaves and branches", and that all were afraid to touch the bodies.

⁴⁰ Gayarré, *op. cit.*, III, 375; Priestley, *op. cit.*, 275; King, *op. cit.*, 100.

⁴¹ Priestley, *op. cit.*, 275; Berquin-Duvallon, *op. cit.*, 34.

⁴² Gayarré, *op. cit.*, III, 375; King, *op. cit.*, 101-106.

⁴³ Gayarré, *op. cit.*, III, 375; Berquin-Duvallon, *op. cit.*, 88.

⁴⁴ Gayarré, *op. cit.*, III, 375; Berquin-Duvallon, *op. cit.*, 34.

⁴⁵ King, *op. cit.*, 106.

⁴⁶ *Ibid.*, 100.

⁴⁷ *Ibid.*, 99; Priestley, *op. cit.*, 275.

⁴⁸ King, *op. cit.*, 99, 100-110. Pontalba had also for himself *Quatre Voleurs* or Four Thieves vinegar which was an old Creole preventive against contagion.

⁴⁹ *Sanitarium*, (May, 1899), 431, reports an investigation conducted by Dr. Isadore Dyer, the first president of the Louisiana Leper Board. *Public Health Records*, LI, No. 31, p. 1029. Statement is made that it was brought in from several sources: The early settlers on the Gulf, the slave ships of France, Spain, England, and the American Colonies, and the Acadian refugees from Canada.

It was an acute civic problem as it was in New Orleans that most of the lepers congregated in hopes of more abundant alms.⁵⁰ The efforts made by Ulloa at segregation away from the city failed, but owing to Governor Miro's recommendation the Cabildo succeeded in establishing a leper hospital which was built in 1785.⁵¹ It was situated near the Bayou Gate on Metairie Ridge in the rear of the city, and the neighboring ground, a wild looking spot covered with palmetto, was long known as *La Terre des Lepreux* or lepers' land.⁵² It is interesting to observe that imperfect as this type of segregation must have been, the results were yet efficient. In a few years the some two score lepers⁵³ were greatly reduced in numbers, either by "death or transportation", and the disease almost entirely disappeared.⁵⁴ If this policy of confining all lepers had been kept up, the disease might have been eradicated in Louisiana.⁵⁵

Such other hospital facilities as the city had were centered in the Charity Hospital, the Royal Hospital being intended for the sick and disabled of the army and navy.⁵⁶ The affairs of the former were conducted by the "notable inhabitants who met with the parish priest every three years to name the administrators and the treasurer, and to receive the accounts for the period."⁵⁷ To it were admitted the city's poor, or foreigners on occasion, who for a fee of fifty cents a day received medicine, sustenance and other aid.⁵⁸ The destitute were admitted gratis.⁵⁹ The building, originally erected by the contributions and legacies of the early inhabitants,⁶⁰ was ruined by the two consecutive hurricanes of 1779 and 1780, leaving the city's poor sick in a miserable condition.⁶¹ A letter from the council to Galvez described the plight of those "who were left to die in the streets . . . deprived of all assistance," the reconstruction of the hospital being impos-

⁵⁰ Gayarré, *op. cit.*, III, 167.

⁵¹ *Ibid.*

⁵² *Ibid.*; Robertson, *op. cit.*, I, 97.

⁵³ Robertson, *op. cit.*, I, 97.

⁵⁴ Gayarré, *op. cit.*, III, 167.

⁵⁵ *Sanitarium*, (May, 1899), 432.

⁵⁶ Stoddard, *op. cit.*, 154; Robertson, *op. cit.*, I, 65.

⁵⁷ Records of the Cabildo, No. 2, pp. 151-152 (December 13, 1782). "In addition they likewise remedy such faults which were introduced by experiments with the new preventive dispositions."

⁵⁸ Stoddard, *op. cit.*, 155.

⁵⁹ *Ibid.*

⁶⁰ Records of the Cabildo, No. 2, pp. 151-152 (December 13, 1782).

⁶¹ *Ibid.*, No. 2, pp. 75, 173-175 (March 21, 1783).

sible because of lack of funds.⁶² It was the charitable Don Andres Almonaster who came to the rescue.⁶³ In 1782 a letter to the council from Governor Miro announced that a rich Spaniard had offered to rebuild it of "more solid materials", and that the reconstruction had already begun with the little that could first be salvaged from the ruins.⁶⁴

In contrast to these efforts at civic betterment, the status of the local medical profession was unenviable.⁶⁵ The dozen or so ignorant practitioners who combined medicine, surgery, and pharmacy⁶⁶ were for the most part untrained and unlicensed,⁶⁷ although financially their profession was most lucrative.⁶⁸ So little confidence was had in them that they appeared to have been consulted as a last resort, the neighbors being first called in who "examined and diagnosed without cost."⁶⁹ This attitude is partially justified by a statement of Robin who summarized it thus:

. . . these clever physicians of the new world have reserved to themselves the right to dispense with scientific studies, degrees and the like; . . . rid of these encumbrances they advance with dispatch, and too dispatch their sick!⁷⁰

In fairness, however, it should be remembered that these men worked under difficulties. Added to the fact that they were not called in until the later stages of the malady, there was the custom prevalent at the time, of transporting the sick from long distances into the city, instead of summoning the physician to the patient.⁷¹ The rude, slow methods of transportation, ordinarily by boat or carriage, with the attendant hardship on the invalid, can be well imagined.⁷² There also remained the problem of procuring drugs, some of which had to be brought three or four thousand miles

⁶² *Ibid.*, No. 2, pp. 88-89 (February 15, 1782), mentions the fact that the destruction of the hospital's rental properties had cut off its income from that source, and that the citizens were angry that nothing had been done to help.

⁶³ Gayarré, *op. cit.*, III, 582; Records of the Cabildo, No. 2, pp. 172-175 (March 21, 1783).

⁶⁴ Records of the Cabildo, No. 2, pp. 172-175 (March 21, 1783).

⁶⁵ Robertson, *op. cit.*, I, 63; Baudry des Lozières, *Voyage à la Louisiane et sur le Continent de l'Amérique Septentrionale* (Paris, 1802), 315-316, says: "The greatest pest which is destructive of human life here . . . is a species of being called a physician . . . It is astonishing that this profession should be the one which has made the least progress in the colony."

⁶⁶ Berquin-Duvallon, *op. cit.*, 289, mentions that they added obstetrics to their other accomplishments, which was uncommon at that period, being preferred by the women themselves to the customary midwives.

⁶⁷ Robertson, *op. cit.*, I, 63; Berquin-Duvallon, *op. cit.*, 34; James, *op. cit.*, 18. However, Surgeon Alexander was referred to as a "correspondent of the Spanish Royal Academy of Science."

⁶⁸ Berquin-Duvallon, *op. cit.*, 289.

⁶⁹ *Ibid.*, 286.

⁷⁰ Robin, *op. cit.*, II, 85.

⁷¹ Berquin-Duvallon, *op. cit.*, 286.

⁷² *Ibid.*

from the laboratories of Europe.⁷³ As it was, the colonists' apothecary shops had a fair supply of such commodities as camphor, opium, tartar emetic, powdered rhubarb, and sassafras; brandy and taffia were sold "for medicinal purposes only."⁷⁴ In addition there were the various herbs, which, found in quantities, were probably of greater value than was realized.⁷⁵ The same might be said of that "wholesome and nutritious diet" mentioned by Stoddard, which combined with "a considerable portion of indolence produced so many cases of obesity . . . about New Orleans."⁷⁶

Poor drainage, laxity in the enforcement of the laws, and carelessness on the part of the citizens caused New Orleans to be frightfully unsanitary. Smallpox, yellow fever, and leprosy were prevalent, the first two coming in epidemics. Considering the times and the extraordinary ignorance of the doctors, it is remarkable that these diseases did not wreak more havoc than they did. It is worthy of note that a community of the size of New Orleans at that time had a charity hospital of long standing.

CHAPTER VI—STATUS OF EDUCATION

It is natural to expect interest in education to have lagged at the beginning of the Spanish period. The change of government, a different language, and new types of immigrants presented difficult problems for the educator. It is generally conceded that the French people of Louisiana resented the transfer to Spain. That attitude naturally retarded the educational interest of the province.

The attitude of the Spanish Crown toward education in its newly acquired colony is shown by a letter to Governor Unzaga, July 17, 1771, from Arriaga, Minister of the Indies, Madrid, in which there was the following message:

The King feeling more obliged than any other prince in the world to labor for the Service of God and the Glory of His Holy Name . . . resolved to establish schools and arrange for masters to teach them . . . in the province of Louisiana . . . in order that the Christian doctrine, elementary education and grammar be taught . . . and an opportunity be provided to acquire the knowledge and use of the Spanish language.¹

⁷³ James, *op. cit.*, 19.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.* He says that their virtues were known to the Indians.

⁷⁶ Stoddard, *op. cit.*, 328.

¹ D. K. Bjork, "Documents Relating to the Establishment of Schools in Louisiana, 1771", in *Mississippi Valley Historical Review*, XI (1925), 561-569.

The instruction was to be publicly given, and there was to be no tutoring except for the children of the high officials. The duties of each teacher, whose family traveling expenses were to be paid by the Crown, were as carefully specified as were the provisions for the salary which was to be paid from the general fund until taxes could be arranged for a fixed maintenance.²

The first of the four teachers selected to be sent by the King, in 1772, was Don Francisco de la Colina y Escudero who was to teach elementary education, the principles of piety, the practice of virtue, the duties of a good subject, elementary grammar, Castillian spelling, penmanship, and primary arithmetic.³ The second and third, Don Manuel Diaz de Lara and Don Pedro de Aragon y Villegas, were to teach elementary and advanced Latin, respectively, while not losing sight of religion and ethics. For his services each received a yearly stipend of 700 pesos.⁴ The fourth, Don Manuel Andres Lopez de Armestro, was to act as director of the school, supply vacancies in case of sickness and to act as librarian, "permitting nothing which the goodness of the King has provided to go astray."⁵

In this connection it might be mentioned that in the letter describing the school, two lists of books were enclosed. One was a list to be sold to the public at cost. The other list for the library contained a History of Spain, a History of Mexico, a dictionary, an atlas, poetry, geography, philosophy, drama, and mythology in Spanish, French and Latin.⁶ In addition each instructor had to pledge himself to teach the Spanish language and the rudiments of reading and writing.⁷ This pledge, at least, was nobly fulfilled, for although Governor Unzaga, not wishing to resort to violence, tried to acquaint the public with the benefits of the school, no pupil ever presented himself for the Latin class. Only a few, some thirty or forty from the poorer families, came for the reading and writing class.⁸ Its rolls in time dwindled to less than a dozen.⁹ The fire of 1788 was partially responsible

² *Ibid.* Chambers, *op. cit.*, I, 313-315, says that this is the first provision made for a public school in Louisiana and the first consideration given for taxing for public school purposes.

³ Bjork, *loc. cit.*, XI, 561-569; Gayarré, *op. cit.*, III, 204-205.

⁴ *Ibid.*

⁵ Bjork, *loc. cit.*, XI, 561-569.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Gayarré, *op. cit.*, III, 204; Stoddard, *op. cit.*, 156; Martin, *op. cit.*, 218; Berquin-Duvalon, *op. cit.*, 293.

⁹ Gayarré, *op. cit.*, III, 204.

for this latter condition, for the school building was destroyed, and many families moved to the country. It was owing to the civic generosity of Don Andres Almonaster that a temporary building was offered, a room some thirteen by twelve feet, to suffice until a better one could be built.¹⁰

On April 1, 1788, Governor Miro made a report to the Crown in which he reviewed certain phases of the educational situation in the province. In attributing the slow progress of the Government school to a problem of language he said:

All that has so far been obtained is that the court proceedings in the town are conducted in Spanish . . . all the books of the merchants, except those of the Spanish born, are kept in that language (French) . . . as those who have no fortune to leave their sons aspire to give them no other career than a mercantile one . . . they prefer that this be taught them in French.¹¹

There were a few private schools. Before the fire, in 1788, there were eight small commercial schools with a collective enrollment of 400 children of both sexes.¹² Then there was the Ursuline Convent School with its abbess, eleven nuns, and seventy boarding and one hundred day pupils, in 1803, who paid in proportion to their means.¹³ The Ursuline nuns allowed their love for France to interfere with their educational duties. Of their attitude on this subject Bishop Luis de Penalvert y Cardenas said: "The nuns are so intensely French that they refuse to receive Spanish subjects ignorant of French and shed tears for being obliged to make their spiritual exercises in Spanish books."¹⁴ Other schools included a boarding school for young girls whose instruction was said to be "better and more careful than that of the nuns," and "an academy for the instructions of youth" opened by some French refugees from Santo Domingo, in 1800.¹⁵ This school, although ably directed and fulfilling a long-felt need, was considered by most of the citizens as too expensive.¹⁶ It was in charge of Don Luis Francisco

¹⁰ *Ibid.*

¹¹ *Ibid.*, III, 206.

¹² *Ibid.*; Chambers, *op. cit.*, I, 313-315; Berquin-Duvallon, *op. cit.*, 293; *Account of Louisiana*, 33. In *Le Moniteur de la Louisiane*, No. 319, November 27, 1802, Sieur d'Hebecourt announces that he has just opened a school where will be taught French, English, Latin, geography and mathematics. Also, if requested, the agreeable talents of music, dancing, and drawing.

¹³ Berquin-Duvallon, *op. cit.*, 293; Rowland, *op. cit.*, I, 315 (Claiborne to Madison).

¹⁴ M. L. Riley, "The Development of Education in Louisiana Prior to Statehood", in *Louisiana Historical Quarterly*, XIX (1936), 617.

¹⁵ H. P. Dart, "Education in New Orleans in 1800", in *Louisiana Historical Quarterly*, XI, (1928), 240-243; Anonymous, *op. cit.*, 13; Berquin-Duvallon, *op. cit.*, 293.

¹⁶ Berquin-Duvallon, *op. cit.*, 293; Dart, *loc. cit.*, XI, 240-243.

Lefort, an experienced professor, and offered a curriculum of Greek, Latin, French, English, arithmetic, elementary astronomy, geography and history in addition to the elementary studies and grammar.¹⁷ What there was of rural education was conducted by poorly trained individuals who were given board, lodging, and a small fee by some planter in return for imparting what knowledge the itinerant pedagogue possessed, or could pass on to his unruly pupils.¹⁸

Many families of moderate means obtained practical training for their sons through the service of the trade master. The best proof of the existence of this type of education is the frequency with which the Spanish Judicial Records reveal decisions relative to apprenticeships.

Two of the typical cases brought before the Cabildo are briefly summarized. In 1769 Etienne Boyard apprenticed his nephew, Jean Bouquay, to Don Jean Durand or Durant, a master shoemaker, for the purpose of having him trained to be a shoemaker.¹⁹ To the house of Jacques Maillard, master cordwainer, Francois Fanchaus apprenticed for three years his son, Francois Fanchaux or Foucheux, aged fourteen to learn the trade of shoe-making.²⁰ Thus, it may be seen that the apprenticeship system afforded practical training for the poorer boys.

The only newspaper, *Le Moniteur de la Louisiane*, founded by Governor Carondelet, could have proved a valuable means of widening the mental horizons of the colonists, since it was well written and devoted to discussions of foreign political news as well as the problems of local agriculture and trade.²¹ It came out every Saturday and was printed on four sheets. Supplements of one sheet appeared at intervals. The paper was printed in French and consecutively, with but one possible break, for twenty years.²² Out of a population grown to over 8,000 it never had more than eighty subscribers at once, and these were mostly Europeans and

¹⁷ Dart, *loc. cit.*, XI, 240-243. He presented a certificate of naturalization as a Spanish subject, executed in Trinidad, in 1786, the first to be found in our archives. The petition was accompanied by two grammars in English and French he had composed and had had printed in London.

¹⁸ [Blank in manuscript.]—Editor.

¹⁹ Spanish Judicial Records of Louisiana (November 7, 1769), *loc. cit.*; VI (1923), 155.

²⁰ *Ibid.*, (March 24, 1770), *loc. cit.*, VI, 221.

²¹ Oudard, *op. cit.*, 265-266; Berquin-Duvallon, *op. cit.*, 206, 295; D. C. McMurtrie, *Early Printing in New Orleans* (New Orleans: Searcy and Pfaff, 1929), 53.

²² Berquin-Duvallon, *op. cit.*, 291. McMurtrie, *op. cit.*, 53, says that there was no ostensible printing from 1770 to 1777. Antoine Boudousquie was "Imprimeur du Roi et Cabildo". *Le Moniteur de la Louisiane* was printed by Louis Duclot.

foreigners.²³ In the official *imprimerie*, used also for the printing of administrative decrees, little else was published except alphabets for children, catechisms, bills-of-lading, and passport forms.²⁴

One contemporary writer attributed the lack of bookstores to the fact that "the proprietor of such would starve to death in the midst of his books unless they could interest the reader in the art of doubling his capital in a year."²⁵ In spite of this comment the following advertisement appeared in *Le Moniteur de la Louisiane* early in the nineteenth century: "Mercier and Company announce that they have just received a lot of new books, travels, very modern novels, and works relating to the French Revolution. . . ."²⁶ Berquin-Duvallon, in deploring the rarity of libraries and the scarcity of books as "a few assorted volumes in some of the French houses",²⁷ was possibly unaware of the fact that there was in New Orleans, in 1769, a private collection of 300 or more books containing such authors as Voltaire, Rousseau, Molière, Racine, La Fontaine, and a translation of John Locke's *Essay on Human Understanding*.²⁸

The attitude of the Creoles toward learning is significant. In the words of Berquin-Duvallon, "they would rather handle a sporting gun than a pen, or paddle a canoe than draw near a desk."²⁹ It is the same author who continues:

One of the sort I am here describing said naively one day that the way he put himself to sleep was to open a book . . . another has such an antipathy to anything typographical that it merely suffices to present him with a stray printed sheet to be rid of him at once.³⁰

On the other hand there is evidence to show that some of the young men of the richest families were educated in France and the United States.³¹

²³ Oudard, *op. cit.*, 265; Berquin-Duvallon, *op. cit.*, 206.

²⁴ McMurtrie, *op. cit.*, 40; Berquin-Duvallon, *op. cit.*, 296.

²⁵ Berquin-Duvallon, *op. cit.*, 295.

²⁶ *Le Moniteur de la Louisiane*, No. 321, December 11, 1802.

²⁷ Berquin-Duvallon, *op. cit.*, 206.

²⁸ E. D. Price, "Inventory of the Estate of Sieur Jean Baptiste Prevost, July 13, 1769", in *Louisiana Historical Quarterly*, IX, (1926), 411-457. A partial inventory of Prevost's estate shows, among others, the following books: History of France, 5 volumes; History of America, 4 volumes; Montesquieu, 5 volumes; Historical Dictionary, 4 volumes; Universal History, Caesar's Commentaries, Homer's Odyssey, Voltaire, German Grammar and Dictionary, Dictionary of Architecture, Introduction to Geography, and Mathematical Recreations.

²⁹ *Account of Louisiana*, 33; Oudard, *op. cit.*, 265. Berquin-Duvallon, *op. cit.*, 206, says, "A third who devoted himself enthusiastically to reading was taken to be a crack-brained fool."

³⁰ Berquin-Duvallon, *op. cit.*, 206.

³¹ *Ibid.*, 33; King, *op. cit.*, 96.

The Creoles, while apparently possessed of intelligence,³² were adjudged far behind the people of other countries in a cultural sense.³³ Stoddard says that "the old observation that ignorance tends to happiness seems in a degree verified among them."³⁴ In general, ignorant,³⁵ and lacking either the talents for fine arts,³⁶ or the stimulation afforded by clubs or other forms of intellectual life,³⁷ they scarcely even read.³⁸ It was estimated, in 1803, that no more than two hundred could read and write well.³⁹

This condition was owing to several things. It was owing, in part, to isolation from the cultural centers of the world. The energies of the majority of the people had to be spent in gaining a livelihood. A feeling of strong nationalism plus the fire of 1788 retarded the progress of the Spanish Government School, and the private schools were inadequate. In addition, an attitude of indifference on the part of the inhabitants contributed toward making New Orleans an intellectually backward community.

CHAPTER VII—AMUSEMENTS

A good index to the character of a person is the way he spends his leisure time. When one has time to spend as he pleases, he, as far as possible, spends it in the way that gives him most pleasure. These pleasures in turn indicate the channels in which his mind runs. It is important then to determine how these people who had a certain amount of leisure time spent it.

While the English and Americans were as a rule "hard at work under the burning rays of a meridional sun," the Creoles "seated in their houses or in the cool shade" smoked their pipes and drank coffee.¹ Thus, New Orleans, mingling tropical tradition with the inescapable *esprit gaulois* of the French,² reposed by day the better to amuse itself by night, for evening was the time when

³² Stoddard, *op. cit.*, 175, 321.

³³ *Ibid.*, 320; Robin, *op. cit.*, II, 118; Anonymous, *op. cit.*, 13.

³⁴ Stoddard, *op. cit.*, 320.

³⁵ Berquin-Duvallon, *op. cit.*, 206; Oudard, *op. cit.*, 265.

³⁶ Berquin-Duvallon, *op. cit.*, 296, says "there is one painter whose talent is in proportion to the field he depicts." In *Le Moniteur de la Louisiane*, No. 329, February 5, 1803, "The Sieur Duval offers his services for miniature painting;" and in *ibid.*, Supplement to No. 333, March 5, 1803, Sieur Ambroise Pardo advertises that he has received and has for sale articles for amateur painters and drawers.

³⁷ Anonymous, *op. cit.*, 13; Robin, *op. cit.*, II, 121; Berquin-Duvallon, *op. cit.*, 296.

³⁸ *Account of Louisiana*, 33; Oudard, *op. cit.*, 265; Berquin-Duvallon, *op. cit.*, 206.

³⁹ *Account of Louisiana*, 33.

¹ Stoddard, *op. cit.*, 304, 325; Gabriel, *op. cit.*, 160; Berquin-Duvallon, *op. cit.*, 185.

² Stoddard, *op. cit.*, 321; Gabriel, *op. cit.*, 160.

most of the social activities began.³ To these they yielded themselves with true Gallic enthusiasm.⁴ The levee, crowded on pleasant evenings, became the promenade for the citizenry of all ranks and colors who had laid aside their business,⁵ where "young gallants bowed to the quadroons walking with their mothers or chaperones," and where there were rough dances and carousals to be seen on the decks of the ships moored broadside in the river.⁶ The taverns, numerous and catering to a heterogeneous crowd, were usually open,⁷ though there were indeed some strict edicts which required them to close after retreat and during feast days until after High Mass.⁸ The same edicts which required them to be licensed,⁹ must as well have been disregarded, for it is a matter of record that taxes were hard to collect. The owners claimed exemption on the grounds that they were soldiers of the battalion stationed in the plaza.¹⁰ Still, "ardent spirits were seldom used except by the more laborious classes of society."¹¹ It was red wine, usually claret or other light wines that were largely and ordinarily consumed,¹² a moderation which scarcely extended to other such popular forms of relaxation as gambling, or the dancing to which the Creoles—and especially the Creole women—were so passionately attached.¹³

That the Creole ball was considered a social institution of paramount importance is attested by the fact that Claiborne, writing to James Madison, January 31, 1804, says, ". . . I fear that you will suppose that I am wanting in respect in calling to your attention the Balls of New Orleans, but I assure you, sir, that they occupy most of the public mind."¹⁴ It is Berquin-Duvallon who adds, "The local residents make pompous eulogies to

³ Gabriel, *op. cit.*, 160; Stoddard, *op. cit.*, 304; Robin, *op. cit.*, II, 118; Johnson's Journal, *loc. cit.*, V, 38.

⁴ Perrin du Lac, *op. cit.*, 87; Berquin-Duvallon, *op. cit.*, 283; Stoddard, *op. cit.*, 304.

⁵ Gabriel, *op. cit.*, 160; Sibley's Journal, *loc. cit.*, X, 478.

⁶ Gabriel, *op. cit.*, 160.

⁷ Berquin-Duvallon, *op. cit.*, 31.

⁸ Proclamation of Gayoso, 1798. However, the "tavern door may have a wicket one foot square in order to serve through it any article of prime necessity a sick person may need at unseasonable hours."

⁹ *Ibid.*

¹⁰ Records of the Cabildo, No. 2, p. 39 (October 27, 1780).

¹¹ Stoddard, *op. cit.*, 325.

¹² *Ibid.*; Sibley's Journal, *loc. cit.*, X, 480.

¹³ Perrin du Lac, *op. cit.*, 87, 93; Berquin-Duvallon, *op. cit.*, 283; Stoddard, *op. cit.*, 304.

¹⁴ Rowland, *op. cit.*, I, 355. He further adds: "On my arrival at New Orleans, I found the people very solicitous to maintain their ball, . . . and to convince them that the American Government felt no disposition to break in upon their amusement, General Wilkinson and myself occasionally attended."

foreigners and newcomers about their local balls with which they seem infatuated, comparing them to the brilliant Vaux-hall or the Grand Galas of the Paris Opera."¹⁵ These functions, public as well as private, took place for the most part during the carnival season in January and February,¹⁶ and beginning at seven or eight o'clock lasted well into the morning.¹⁷ Some of the private parties were given on a most lavish scale, as for example the Casa Calvo Ball which was said to have cost 15,000 francs. The one given by Laussat was not less magnificent with its elaborate decorations and refreshments for four or five hundred guests.¹⁸

The public balls, formidable rival of the private entertainments, were held twice a week, usually on Sunday and Thursday,¹⁹ in a centrally located hall which, however, was somewhat difficult of access in bad weather.²⁰ There were three types, one of which was designed for children;²¹ the others catered respectively to the white and colored population of the town.²² Admission fees for the white people's ball was four escalins or a half piastre per person which was paid at the door. White ladies of every rank attended.²³ Anyone might enter provided he was suitably dressed²⁴ and unmasked, the latter regulation being adopted because of "some scandalous scenes which once ensued as a consequence of their typical enthusiasm."²⁵ The quadrone balls were possibly more interesting in their beauty and superior gaiety, and the men who attended both were said to be more considerate in these than in the others.²⁶ Ideas of what constitutes decorum differ, for

¹⁵ Berquin-Duvallon, *op. cit.*, 39.

¹⁶ *Ibid.*, 31; Robin, *op. cit.*, II, 119; Robertson, *op. cit.*, I, 75.

¹⁷ Berquin-Duvallon, *op. cit.*, 32; Fortier, *op. cit.*, II, 240-241; Johnson's Journal, *loc. cit.*, V, 38.

¹⁸ Fortier, *op. cit.*, II, 240-241.

¹⁹ Berquin-Duvallon, *op. cit.*, 31; Rowland, *op. cit.*, I, 355; Records of the Cabildo, No. 5, p. 47 (November 18, 1803); Johnson's Journal, *loc. cit.*, V, 38.

²⁰ Berquin-Duvallon, *op. cit.*, 31.

²¹ *Ibid.*, 38-39. He represents these balls as being far more agreeable and gay than the disorderly affairs of their elders. He says, "Like puppets, the little ones are more interesting than the big."

²² Robin, *op. cit.*, II, 119.

²³ Berquin-Duvallon, *op. cit.*, 23, 185; Rowland, *op. cit.*, I, 355.

²⁴ Berquin-Duvallon, *op. cit.*, 53; Records of the Cabildo, No. 5, p. 47 (November 18, 1803). "The Commissioners discussed last Sunday's ball at which a large number of people indecently dressed and unclean were present. This being an assembly of the most select of the city it is necessary to complain . . . that His Lordship will order to prohibit all these persons who do not come decently dressed in short trousers and boots."

²⁵ Berquin-Duvallon, *op. cit.*, 33; Records of the Cabildo, No. 5, p. 47 (November 18, 1803).

²⁶ Stoddard, *op. cit.*, 304. Berquin-Duvallon, *op. cit.*, 188, designates these as the "Bals de Tri-color." Robin, *op. cit.*, II, 119-121, says, "The rigidity of the Grandes Dames makes the first most tiresome . . . The Ladies ball is a sanctuary which none dare approach who have . . . mixed blood." Two young quadroons esteemed for their fine education and modest conduct were once forced to withdraw "before the accusation of a local wanton whose society should have been for them a contamination."

although Stoddard wrote that, "Gentlemen of distinction resort to their ballroom where decency and decorum maintain their empire," a petition to the Cabildo records a lively denouncement of "the practice of putting wads of chewing tobacco on the chairs where the ladies sat, . . . of chewing vanilla sticks and scattering these wads throughout the building thereby producing an intolerable odor."²⁷

The hall where the whites did their dancing was a long, narrow, trench-like room about eighty by thirty feet, whose sides were lined with a tiered arrangement of loges "where the *mamans* sat and those who were not dancing."²⁸ At the bottom of the tiers was a row of chairs for those ladies who took turns dancing in the figures of the quadrilles, and at one end of the room was a platform for the orchestra, composed at that time of five or six Bohemian or Negro fiddlers.²⁹ To the Parisian standards of Berquin-Duvallon the room appeared shabby "without that glitter and magnificence so necessary to a place of this type—no chandeliers, no mirrors", though it is mentioned elsewhere as being elegant.³⁰ The "contra-dances" or quadrilles in vogue were probably monotonous, especially to the feminine spectator, who sat indifferently in the upper loges and embroidered,³¹ but actual participation was another matter. The "bredouille" of the loge became the sparkling-eyed vivacious coquette, and a part of a disorderly throng all trying to find places in the sets at once.³² The usual confusion was further augmented by a crowd of reserve partners and male spectators who were packed indiscriminately into the space between the chair backs and the first row of tiers; this, added to the maneuvering of such as were "clever enough to reserve places for themselves, being thus able to dance continually under the very noses of those left out," was only too productive of situations in which violent quarrels sometimes arose.³³ Thus, the problem of keeping order at the balls appeared to be constant, as Claiborne in writing to Madison complained, "from these have proceeded the greatest embarrassments which have hitherto attended my adminis-

²⁷ Stoddard, *op. cit.*, 322; Cabildo Library, Book 4088, pp. 181-184 (October 24, 1800), Petition to the Cabildo.

²⁸ Berquin-Duvallon, *op. cit.*, 32.

²⁹ *Ibid.*

³⁰ *Ibid.*, 32-33; Johnson's Journal, *loc. cit.*, V, 38.

³¹ Berquin-Duvallon, *op. cit.*, 32; Robin, *op. cit.*, II, 119.

³² Berquin-Duvallon, *op. cit.*, 32.

³³ *Ibid.*, 33-34. mentions a boy who was killed in a duel as a result of a quarrel over who was next to dance.

tration."³⁴ Measures to prevent trouble were necessary under both the American and Spanish regimes.³⁵ Such a brawl occurred over the selection of a dance figure, and might have had more serious civic consequences.³⁶

The authorities also had to cope with the problem of gambling which, although forbidden,³⁷ was nearly as popular an amusement as dancing,³⁸ and was indulged in almost as openly.³⁹ People of every rank played; Pontalba at Madame Carondelet's,⁴⁰ ladies at their tea parties,⁴¹ travelers, citizens, soldiers, sailors, and the *gens de couleur*, in gaming rooms, billiard halls and taverns.⁴² Stakes were high;⁴³ in fact, gambling in New Orleans was reduced to a profession where members of the United States' chapter of the fraternity made rendezvous in large numbers.⁴⁴ Admission to the playing was easy, so that fortunes were often quickly lost in such games as Coq, Canne, Monte, Primera, Craps, and others "unhappily in vogue."⁴⁵ The penalty for this illicit pleasure was \$50 for the player and \$100 for the proprietor of the house, or ten and twenty days imprisonment respectively for the first offence, with a double amount for the second and third, plus banishment; the slaves to receive five and twenty lashes.⁴⁶ All this, however, appeared to have little effect. In a raid conducted by one Senor Morales on an establishment "Numerously patronized by all colors and classes . . . there was so great a hubbub of the players sitting and standing around the table" that when he raised

³⁴ Rowland, *op. cit.*, I, 354.

³⁵ *Ibid.*, (Claiborne to Mayor Bore): "I have given orders to Colonel Bellechasse to station a small detachment at the ballroom . . . I sincerely hope that prudent measures prescribed . . . will tend to the preservation of good order." *Ibid.*, I, 352, (Claiborne to Colonel Bellechasse): ". . . detach an officer and fifteen men to take post at the ball room." *Ibid.*, I, 355, (Claiborne to James Madison): ". . . a strong guard was stationed at the ball room under the Spanish Government, and on the first appearance of disorder the persons concerned were committed."

³⁶ Berquin-Duvallon, *op. cit.*, 32.

³⁷ Proclamation of Gayoso, 1798. "No person of whatever rank, sex, quality or condition, may hold in his house, in another's or in the faubourgs, or environs of this city, games of cards, or dice."

³⁸ Robin, *op. cit.*, II, 118; Perrin du Lac, *op. cit.*, 87-93; Berquin-Duvallon, *op. cit.*, 185; Stoddard, *op. cit.*, 322.

³⁹ Berquin-Duvallon, *op. cit.*, 186.

⁴⁰ Priestley, *op. cit.*, 273.

⁴¹ Anonymous, *op. cit.*, 13.

⁴² H. P. Dart, "Episodes of Life in Colonial Louisiana", in *Louisiana Historical Quarterly*, VI (1923), 42-45 (Juanico, the Gallician, and the Game of 21); Robin, *op. cit.*, II, 118; Berquin-Duvallon, *op. cit.*, 36.

⁴³ Robin, *op. cit.*, II, 118; Fortier, *op. cit.*, II, 283.

⁴⁴ Robin, *op. cit.*, II, 118, points out the plight of the sea trader who loses his ship, the captain who loses more than he has earned on his voyage, and the unhappy planter "come to town to sell his crop and who must return empty handed to his family unless the ruinous usurers come to his aid."

⁴⁵ Proclamation of Gayoso, 1798.

⁴⁶ *Ibid.*

his voice Negroes, mulattos, civilians, artillerymen and soldiers all fled except three.⁴⁷

The theatre in New Orleans offered a chance for diversion of a more elevated type, since comedy, drama and comic opera were passably presented there.⁴⁸ Amateur performances were likewise given,⁴⁹ and on one occasion rope dancers performed.⁵⁰ The institution, maintained by subscription and the purchase of loges costing from one to two hundred dollars or more,⁵¹ had financial difficulties.⁵² It had been started in 1791 by a company of French actors, refugees from the *Cap-Francais* theatre of Santo Domingo, who after various vicissitudes had finally established themselves on the second floor of a small wooden building centrally located on St. Peter between Royal and Bourbon streets.⁵³ This theatre was a long, narrow building with a long pit a little elevated. There were two tiers of boxes near the front part of the pit, the upper seating the people of color. Over the back part of the pit were two boxes seating about twelve each; one was the Governor's and the other was always reserved for American "Gentlemen Strangers." The scenery was very ordinary and lacked variety, and the paper that once covered the rough work was peeled off in spots and "very much defac'd." It cost \$9,000 to build.⁵⁴ Owing to indifference and a misunderstanding on the part of the civil authorities, the theatre was closed after two years and the actors and musicians scattered.⁵⁵ It was reopened after an interval, in 1802, with a few of the original actors reinforced by some local amateurs to form a new company.⁵⁶ Sunday night was the popular time for attending, for Sibley in his Journal reports "a full house Sunday last" and that such was usually the case.⁵⁷ It is interesting to note that here as elsewhere, the theatre served sometimes for other purposes

⁴⁷ Dart, "Episodes of Life in Colonial Louisiana", *loc. cit.*, 42-45. The raid of Senor Don Juan Ventura Morales, Alcalde Ordinario of New Orleans, netted the following objects: a demijohn of rum, a demijohn of wine, neither full, a flask of anisette, water bucket, five flasks, two carafes, one with wine, funnel, empty bottle, three benches, two tables, one ladder, billiard table, three balls, two tinplate lamps, one mosquito bar, a mattress, pillow, woolen blanket, two pairs of tongs, a mallet, an empty trunk, an old clock, doors, screen, and a pack of cards.

⁴⁸ Berquin-Duvallon, *op. cit.*, 29; Priestley, *op. cit.*, 273.

⁴⁹ Berquin-Duvallon, *op. cit.*, 21. In a performance of Julius Caesar the amateurs "therefore vigorously poignarded that enemy of Roman liberty in the person of an elderly planter . . . still good looking and very fat, who essayed the role of Caesar."

⁵⁰ Sibley's Journal, *loc. cit.*, X, 478.

⁵¹ Priestley, *op. cit.*, 273; King, *op. cit.*, 89, 96.

⁵² King, *op. cit.*, 96-97.

⁵³ Berquin-Duvallon, *op. cit.*, 30.

⁵⁴ Sibley's Journal, *loc. cit.*, X, 486.

⁵⁵ Berquin-Duvallon, *op. cit.*, 30.

⁵⁶ *Ibid.*

⁵⁷ Sibley's Journal, *loc. cit.*, X, 483.

besides that of casual amusement. The performance of *Eugénie*, for example, after a compliment to the king, was the scene of a demonstration in which Baron de Carondelet was "flattered in the most servile and tactless manner" for a full hour.⁵⁸

An occasional elaborate dinner was given.⁵⁹ Such a dinner was given by the French Prefect, Laussat, for seventy-five guests. It included dancing and cards which continued all night; the last of the some three hundred additional persons invited left at eight the next morning. The doors were taken down, the front of the house outside was illuminated with fire pots and the rooms with 220 wax candles, while in addition to an all-night buffet, supper was served at dozens of tables.⁶⁰

Besides the fashionable country reunions, botanical excursions into the suburbs, such as Gentilly,⁶¹ ball games,⁶² and teas,⁶³ the few day-time amusements included bathing parties which were very popular.⁶⁴ Lake Pontchartrain was a favorite resort because of its smooth, shallow floor, and its convenient distance, for one could "come and go by the Bayou St. Jean in a day."⁶⁵ For two or three hours the more fashionable Creoles disported themselves "playing and jumping about in the water," or by dragging in the nets which the fishermen had set, to dine later, after changing their clothing in the fishermen's huts, on the proceeds of their morning's haul.⁶⁶ That canal "which supplied water for the mill" was likewise used, at least until the water became too low, as for example, at one of the bathing parties given by Madame McCarthy the water was such that "the ladies must have bathed in the mud."⁶⁷ But this artless amusement is scarcely to be compared with another which seems characteristic, the giving of the mock serenade or charivari, with which they persecuted those whom they wished to embarrass.⁶⁸ "The young and giddy," wrote Claiborne to Madison on March 16, 1804, "are engaged in a charivari at the expense of an old widow who lately married a young man.

⁵⁸ Priestley, *op. cit.*, 274. Pontalba wrote: "... two hands were made to appear clasping each other representing the King of Spain and the French Republic with the epitaph 'Let us ever be United.'"

⁵⁹ Berquin-Duvallon, *op. cit.*, 296.

⁶⁰ Fortier, *op. cit.*, II, 263.

⁶¹ King, *op. cit.*, 87.

⁶² Letter, Pontalba to Miro, 1792, in *Louisiana Historical Quarterly*, II (1919), 400.

⁶³ Anonymous, *op. cit.*, 13.

⁶⁴ Ulloa, *op. cit.*, I, 239; King, *op. cit.*, 273.

⁶⁵ Ulloa, *op. cit.*, I, 239.

⁶⁶ *Ibid.*

⁶⁷ King, *op. cit.*, 96.

⁶⁸ Rowland, *op. cit.*, II, 47.

. . . Madame Andres' annual income is \$40,000. . . the young men are determined to persecute the married pair until they give a splendid fete to the genteel part of society and \$1,000 to the city's poor, it is expected that these items will be acceded to."⁶⁹

The fact that the principal amusements were limited to dancing, drinking, and gambling and that these pastimes often ended in rough brawls is significant. It indicates a scarcity of cultivated minds, natures easily bored, and mental indolence. That a theatre was supported for a short time is also significant, as it was the only popular amusement that could be classed as approaching a high intellectual level.

CHAPTER VIII—LAW ENFORCEMENT

The adjustment of the Creole to a judicial system which can only be characterized as cumbersome, apparently ill-suited to his needs, and foreign to his nature, was effected more through his inherently peaceable characteristics and his early training¹ than through any spirit of active co-operation. In a sense then, New Orleans, while apparently indifferent to law, was yet at the same time amenable to it, for while crime in its more serious aspects was comparatively rare,² the fact can scarcely be attributed to any undue excellency on the part of the Spanish system of law enforcement. In justice to the Spanish, however, it must be remembered that the problems which complicated its application came not only from the inadequacies of the system itself, but also from the character of the locale and the character of the times.³

In addition to such problems of civic order as would naturally arise in a city subjected to disturbances by a "great concourse of people, the troops and crews of ships arrived in port", there was of course the question of entry. The immigration laws, an attempt to regulate the heterogeneous population, appeared chiefly designed to "keep out foreigners who easily enter the city by way of the houses of the country people."⁴ Those entering were personally required to obtain permission from the governor or be in possession of a passport,⁵ without which they were not to be received by any

⁶⁹ *Ibid.*, II, 47-48.

¹ Stoddard, *op. cit.*, 282.

² *Ibid.*; *Account of Louisiana*, 23.

³ Records of the Cabildo, No. 2, p. 47 (June 19, 1781).

⁴ *Archives of Seville*, No. 10.

⁵ *Ibid.*; Martin, *op. cit.*, 245-246.

inhabitant, "either by those along the river, or the bayou at Gentilly, Opelousas, Atakapas, or Natchitoches."⁶ This was probably aimed at the English, for Smyth, in discussing the laxness with which the law was enforced, reported that there was a definite penalty of \$400 to \$500 attached for the illegal admission of a British subject.⁷ That the more or less illicit trading activities of this nation were the basis for this is seen in O'Reilly's prohibition of "said inhabitants to sell or lend any carriage, horse, or cart, nor guides under any pretext, even when they state that they are bearers of packets for us."⁸ In the same category belong the numerous prohibitions regarding the buying from foreign ships in river or lake, although the selling of provisions to "boats in transit" was conditionally allowed.⁹ The history of the trading activities of New Orleans is sufficient evidence of the degree of success which these met; in general people as well as goods continued to pass as circumstances and the pockets of the customs officials required.¹⁰

Within the city, the population as a whole, containing as it did such diverse elements of the more turbulent variety, such as smugglers or contraband traders,¹¹ slaves, troops, crews¹² with the inevitable deserters, criminals and vagabonds,¹³ was regulated by a set of ordinances necessarily as varied as the problems they had to meet. Smuggling, punishable by hard labor in the mines or galleys,¹⁴ was, in practice considerably ignored, for the offender after a short imprisonment was usually allowed to escape.¹⁵ Deserters, as well as those who harbored them or criminals, were fined or imprisoned.¹⁶ Vagabonds were periodically ordered to leave the city,¹⁷ and once out appeared subject to the jurisdiction of the Brothers of Saint Hermandad,¹⁸ an organization designed to "put to flight those delinquents, . . . pursuing them with spirit."¹⁹

⁶ *Archives of Seville*, No. 10.

⁷ Smyth, *op. cit.*, I, 189-197.

⁸ *Archives of Seville*, No. 10.

⁹ *Ibid.*; Records of the Cabildo, No. 1, p. 8 (December 9, 1769).

¹⁰ Anonymous, *op. cit.*, 9; Smyth, *op. cit.*, I, 189-197; Robin, *op. cit.*, II, 77.

¹¹ Gordon, *loc. cit.*, VI, 17-19; Martin, *op. cit.*, 250.

¹² Records of the Cabildo, No. 2, p. 47 (January 9, 1781).

¹³ Proclamation of Gayoso, 1798; Fortier, *op. cit.*, II, 220.

¹⁴ *Account of Louisiana*, 33.

¹⁵ Martin, *op. cit.*, 25.

¹⁶ *Ibid.*, 245-246; Proclamation of Gayoso, 1798.

¹⁷ Fortier, *op. cit.*, II, 220; Gayarré, *op. cit.*, III, 374; Proclamation of Gayoso, 1798.

¹⁸ French, *op. cit.*, V, 262 (Ordinances and Instructions of Don Alexander O'Reilly, Sec. III, Art. 5).

¹⁹ *Ibid.*

Gambling,²⁰ fighting,²¹ and the carrying of weapons also received their share of legal attention,²² but judging from raids,²³ and the nature of such serious murders as were committed,²⁴ these laws were apparently little regarded.

The type of civic ordinance which affected the more conventional orders of society was, if anything, still more flagrantly ignored. In spite of proclamations, ordinances, and exhortations, the ever present danger of fire continued to worry the administrators.²⁵ In fact the indifference of the citizens to this was so notorious as to inspire the ordinance of Unzaga which required mechanics to attend fires under penalty of fine.²⁶ Fire-fighting apparatus consisting of buckets, ladders, axes, pickaxes, and gaffs were specifically stationed and designated by law.²⁷ The ward *alcalde* was made responsible by the proclamation of Gayoso de Lemos for a force of thirty firemen consisting of fifteen bucket-men and fifteen axemen.²⁸ The two fire extinguishers recorded as purchased from "his Chinese Majesty"²⁹ were probably part of the fire apparatus mentioned as destroyed in the fire of 1788,³⁰ but additional wells were ordered dug, and a chimney inspection arranged.³¹

The streets and bridges likewise continued in their state of disrepair in spite of a succession of edicts and warnings to the contrary.³² Alliot says that furthermore, after the departure of Governor Carondelet, his ordinance regarding the use of wood for buildings was ignored, and that outside stairways put before the doors of the houses made the narrow sidewalks practically useless, a fact which is duly attested by Berquin-Duvallon.³³ The levee, both in that portion which fronted the city and beyond suffered from the same indifference although the levee ordinances of Gov-

²⁰ Martin, *op. cit.*, 245-246.

²¹ French, *op. cit.*, V, 263 (Ordinances and Instructions of Don Alexander O'Reilly, Sec. IV, Art. 5).

²² Martin, *op. cit.*, 245-246; Proclamation of Gayoso, 1798.

²³ Index to Spanish Judicial Records, *loc. cit.*, VI, 42-45.

²⁴ *Account of Louisiana*, 33.

²⁵ Robertson, *op. cit.*, I, 91; *Archives of Seville*, No. 204.

²⁶ H. P. Dart, "Ordinance of Governor Unzaga Requiring Mechanics to Attend Fires", in *Louisiana Historical Quarterly*, IV (1921), 201.

²⁷ *Ibid.*, 201-202; Proclamation of Gayoso, 1798.

²⁸ Proclamation of Gayoso, 1798.

²⁹ Records of the Cabildo, No. 1, p. 262 (February 1, 1777).

³⁰ Official Report of Governor Miro and Intendant Navarro, *loc. cit.*, VIII, 59-63.

³¹ Dart, "Ordinance of Governor Unzaga Requiring Mechanics to Attend Fires", *loc. cit.*, IV, 201-202; Proclamation of Gayoso, 1798.

³² Records of the Cabildo, No. 1, pp. 23, 26 (March 16, April 27, 1770).

³³ Robertson, *op. cit.*, I, 91; Berquin-Duvallon, *op. cit.*, 40.

ernor Carondelet in 1792³⁴ and the Proclamation of Gayoso de Lemos in 1798³⁵ were still hopeful of regulating the abuses of traffic,³⁶ the abuses of stock,³⁷ and the generally bad conditions of the levees mentioned in 1770, 1781, and 1782.³⁸

It is possible that this insouciant attitude on the part of the inhabitants may have been due in part to the character of the times. The French Revolutionary propaganda which gradually, in spite of the efforts of the indefatigable Carondelet,³⁹ appeared, "creating a mistrust between government and people,"⁴⁰ could have served as an effective instrument in arousing that spirit of individualism so inimitably French.⁴¹ Both the inconsistency of this and its danger lay in the fact, seemingly recognized by few, that the doctrines involved could but create a hopeless impasse in a community where slavery was an accepted institution. It is needless to say that the Negroes and slaves were closely watched.⁴² What was more important were the measures taken to restrain the citizens themselves by a vigilant governor, who in addition to shutting the guarded gates⁴³ of the city at an early hour, required passports of every traveler, and an examination regarding any possible news whose communication was either expressly permitted or forbidden.⁴⁴ Local syndics instituted to keep order in their districts were accountable to the governor,⁴⁵ and assemblages were as usual prohibited.⁴⁶ Such police protection as the city possessed, which had been furnished by the soldiers and an occasional patrol,⁴⁷ was augmented in 1796 by the introduction of a lighting system and a corps of paid watchmen.⁴⁸ The alcaldes, who acted as surveillance officers in the four wards of the city, were especially charged

³⁴ Porteous, "Governor Carondelet's Levee Ordinance of 1792", *loc. cit.*, X, 513-514.

³⁵ Proclamation of Gayoso, 1798.

³⁶ Records of the Cabildo, No. 1, pp. 16-17 (March 1, 1770).

³⁷ *Ibid.*, No. 2, pp. 219-223 (May 28, 1784).

³⁸ *Ibid.*, No. 2, pp. 77-78, 144-147 (October 12, 1781, November 8, 1782).

³⁹ Gayarré, *op. cit.*, III, 329-330.

⁴⁰ Martin, *op. cit.*, 264.

⁴¹ Gayarré, *op. cit.*, III, 327, says that the orchestra at the theatre was made to play the *Marseillaise*, and that *Ça Ira* was sung in the taverns.

⁴² Martin, *op. cit.*, 266; Fortier, *op. cit.*, II, 220.

⁴³ Johnson's Journal, *loc. cit.*, V, 35.

⁴⁴ Martin, *op. cit.*, 264.

⁴⁵ *Ibid.* These men were chosen from the "notable planters" every nine miles, and they were themselves subject to denunciation in case of "seditious pronouncements."

⁴⁶ Martin, *op. cit.*, 245, 264.

⁴⁷ James, *op. cit.*, 10; Gayarré, *op. cit.*, III, 334; French, *op. cit.*, V, 260 (Ordinances and Instructions of O'Reilly, Sec. II, Art. 5).

⁴⁸ Berquin-Duvallon, *op. cit.*, 40; Martin, *op. cit.*, 257, 268. Gayarré, *op. cit.*, III, 371, says this corps consisted of 13 "serenos" and 80 lamps. Robertson, *op. cit.*, I, 79 (Alliot's Reflections), comments, however, on those "watchmen" who "have very slight appointments but are paid secretly by the bakers . . . as to enable them to retire in a few years."

with the registering of new arrivals whose landlords could be fined or imprisoned in case of failure to notify him within twenty-four hours, or forty-eight at most.⁴⁹

In spite of such intelligent adjustments in social control as were thus made, especially by Governor Carondelet, a man "esteemed and regretted by all good inhabitants who prevented fraud, punished the guilty, and protected the innocent,"⁵⁰ the Spanish judicial system was in itself the greatest obstacle to any sort of efficiency in this phase of administration. Curiously enough, Robin in remarking that an excess of evil is sometimes its own remedy, says that so many proofs of the injustices of justice almost caused the people to lose the need of litigation.⁵¹ Ignorance,⁵² cupidity,⁵³ and the inevitable slowness of appeal to Madrid and Havana, with its subsequent dangers of a possibly lengthy incarceration,⁵⁴ combined to induce a "terror of the magistrates"⁵⁵ which actually served to restrain the inhabitants. This maladministration of justice is partially accounted for by Laussat who pointed out that the gubernatorial unfamiliarity with law often provided an opportunity for his auditor, who was usually his only legal assistant, to assume responsibilities which were not exactly prerequisites of his office.⁵⁶ Thus was justice the more easily obstructed with bickerings, bribery, and delays beyond all reasonable length.⁵⁷ There was in addition the traditional government policy of keeping the public in ignorance of the law, which reacted, of course, to the interest of lawyers,⁵⁸ and which is typified by the complicated procedure of initiating civil suits as outlined in section I, article 1-13, of O'Reilly's Instructions.⁵⁹

The punitive portion of the Spanish legal system was in general mild, consisting as it did mainly of fines. The stocks were used on occasion, flogging was reserved for Negroes,⁶⁰ and while the rack was employed, both torture and the method of public

⁴⁹ Martin, *op. cit.*, 257.

⁵⁰ Robertson, *op. cit.*, I, 79.

⁵¹ Robin, *op. cit.*, II, 126-127.

⁵² *Ibid.*

⁵³ *Ibid.*, II, 127; *Account of Louisiana*, 32; Gayarré, *op. cit.*, III, 583-584.

⁵⁴ Rowland, *op. cit.*, I, 313; Robertson, *op. cit.*, I, 73; Stoddard, *op. cit.*, 154.

⁵⁵ *Account of Louisiana*, 33; Stoddard, *op. cit.*, 282.

⁵⁶ Robin, *op. cit.*, II, 127; Gayarré, *op. cit.*, III, 583.

⁵⁷ Gayarré, *op. cit.*, III, 584; Records of the Cabildo, No. 2, p. 42 (December 22, 1780); Robin, *op. cit.*, II, 126.

⁵⁸ *Account of Louisiana*, 32.

⁵⁹ French, *op. cit.*, V, 269.

⁶⁰ *Account of Louisiana*, 33.

execution by hanging were little, if any, worse than that elsewhere.⁶¹ Treason, murder, arson, and robbery of the king's treasure were punishable by death.⁶²

The prison, according to the records of the Cabildo, "in bad condition and little recommended for the safe keeping of prisoners,"⁶³ was in charge of a jailer appointed by the alguazil mayor, subject to the governor's approval.⁶⁴ A bond of \$200 was required of the jailer as security for those prisoners incarcerated for debt.⁶⁵ According to section X, article 6, of the O'Reilly ordinances the fees of this individual were to be confined "strictly to those established, taking none from the poor under penalty of the value of the same."⁶⁶ In return, his duties consisted of guarding the prisoners, visiting them, keeping the prison clean, the "female prisoners in their respective apartments," and of "inscribing in a book the names of those committed, the judge who committed them, the person who arrested them, and the cause of their detention."⁶⁷ It is section II, articles 13 and 14, of the same ordinance which so precisely provides for the weekly prison inspection by alcalde, alguazil, and escribano with its attendant examinations and releases.⁶⁸ Article IV, moreover, states that "the governor, alcalde, alguazil mayor, and escribano shall yearly make on Christmas, Easter, and Pentecostal eves, a general visitation as prescribed by the laws of the Indies, releasing those detained for small causes."⁶⁹ Unfortunately, Spanish law and Spanish law enforcement were here not more compatible than in their other phases. Prisoners were allowed to escape,⁷⁰ the jail was in a wretched condition, and as for the objects of the visitations, many perished of age and disease, often forgotten, while criminals under death sentence were kept for years.⁷¹

As a result of the weaknesses of the Spanish system of law enforcement, major crimes were reduced to a minimum. The same

⁶¹ Records of the Cabildo, No. 1, p. 91 (February 28, 1772); L. L. Porteous, "Torture in Spanish Criminal Procedure", in *Louisiana Historical Quarterly*, VI (1923), 654.

⁶² *Account of Louisiana*, 33; Stoddard, *op. cit.*, 283; French, *op. cit.*, V, 276 (Ordinances of O'Reilly, Sec. V, Art. 6). Stealing of the church vessels was made a capital offence.

⁶³ Records of the Cabildo, No. 1, p. 165 (November 12, 1773).

⁶⁴ French, *op. cit.*, V, 267 (Ordinances of O'Reilly, Sec. X, Art. 1).

⁶⁵ *Ibid.*, (Sec. X, Art. 2).

⁶⁶ *Ibid.*, (Sec. X, Art. 6).

⁶⁷ *Ibid.*, (Sec. X, Arts. 1, 3, 4).

⁶⁸ *Ibid.*, V, 260-261 (Sec. II, Arts. 13, 14).

⁶⁹ *Ibid.*, (Sec. II, Art. 15).

⁷⁰ Martin, *op. cit.*, 250; Records of the Cabildo, No. 5, p. 47 (January 31, 1803). Prisoners were to work on the streets and the levee for one real a day.

⁷¹ Stoddard, *op. cit.*, 154; Robertson, *op. cit.*, I, 73.

reaction, however, did not take place in regard to the so-called lesser crimes. When the law is poorly enforced and a certain amount of official cupidity is common, the strong are likely to oppress the weak, and undoubtedly this is what took place to consolidate the planter-merchant-official class in their position.

CHAPTER IX—CONCLUSIONS

The famous French adage, "*Plus que ça change, plus que c'est la même chose*," is peculiarly expressive as a general characterization of Creole society at this point in its development. That the period was one of change and progress in regard to material environment is evident. At the same time, however, the average Creole, with his psychological elements of lucid conservatism, remained comparatively unaltered within what may be called the boundaries of his spiritual *milieu*. Thus, in any survey of Creole social life under the Spanish domination, the fact becomes evident that the term "Spanish domination" is somewhat of a sociological misnomer. Spain administered, at times most ably, but the dominating qualities of her possession were indubitably French, and so did they remain.

There were several factors which contributed to the definite shaping of this curious social group in New Orleans, heterogeneous, yet dominated by an influence which possessed at one and the same time a subjective quality of inflexibility and an objective capacity for material assimilation and change. The peculiarity of physical environment was one.

The geographical situation of New Orleans was such as to produce a city whose terrain was below river level, necessitating the early and consistent use of dikes and levees. A definite influence on social life is seen here in the subsequent though unconscious adjustment made to this by the city's inhabitants, who though careless were far more concerned with the possible ravages of water than they were of fire, and who in meeting the problems of the high water line evolved a style of architecture, or rather a style of building which was fairly unique. The fact that the houses built of brick, which gradually replaced at this period the earlier structures of wood, were modeled after the French style in stone, and were made suitable with various innovations, shows the Creole adaptability. It also shows their French

tradition. The use of balconies, the system of "le premier étage," and the high *perrons*, those outer flights of steps so heartily condemned by Berquin-Duvallon, was as practical in a city where damp foundations were inescapable, as they were, and are yet, in the lower portions of the *île de France*. The arrangement and grouping of the public buildings around the inevitable Place d'Armes was of course a natural result of the French regime. The streets, in spite of Spanish official attention, remained what they had been, small and dirty drainage canals. The Spanish Governor, Carondelet, was symbolic of public improvement here, but the Creoles, more self-centered, more indifferent, more inured to discomfort, either tolerated them matter-of-factly or walked quite ingeniously on the roofs.

The second factor, and one which contributed an element of peculiar restlessness to social life in New Orleans was the three-fold nature of the racial groups who centered in it, since Caucasian, Negro, and Indian were all more or less an integral part of the same locale. The Indian, least directly involved, nevertheless contributed a barbaric note to the appearance of the town, as well as presenting complications in the way of civic order and economic privilege. The Negro group, whose free population rapidly increased, was more important sociologically. Besides the problems of double legal codes which were incidental to a system involving slavery, there were the difficulties inherent to a moral system which were by nature almost impossible to solve. The problem concerned Creole society to such a point that the continuous attempts to maintain a consistent color line produced one of its main characteristics—the element of caste rigidity. Slavery, of course, added still more to the complicated nature of social relationships, for the group itself presented problems of supply, maintenance, and control. The last factor involving as it did, constantly shifting conditions of work and discipline, held in addition an element of fear on both sides which at times was painfully acute. In spite of codes, the status of the slave in New Orleans was more difficult to regulate than it seemed to the Spanish Government. Thus, the racial grouping tended to increase social instability.

To these disturbing, unsettled, and disunified elements the Creole was by nature fairly well adjusted. Hardy, adaptable, matter-of-fact, and lacking that sensibility of nature which would serve to deflect or confuse a less egoistic type, the Creole was in reality far more practical than he appeared. It was the element

of surface mobility, vivacity, along with a climatical indolence, and a high degree of physical charm which combined to render him a romantic figure. That he survived psychologically intact and little changed amid this welter of political, racial, and geographical diversities, and even contrived by means of all three to render himself wealthy at times, should seem sufficient proof of his shrewdness.

The influence of the economic factor in shaping the social life of New Orleans was of paramount importance. Natural location for trade, resources, and a succession of events which at this period succeeded in giving the city its key position as the powerful nucleus of a multiple-functioning port, combined to produce a type of society whose foundations and gradations were based on money. Thus, it can be said that New Orleans society, despite some scattered elements of artistocracy, was in the main bourgeois in taste, ideals, standards, and interests. For all its romantic atmosphere, induced by the material display of wealth and leisure, there seems a curious parallel between the type of culture produced by the all-pervading business opportunism of the town and the same general aspect of modern society. The identical elements of ruthlessness and unscrupulousness found so necessary in any fight for material advantage can be detected in the merchant-class society of New Orleans in 1788 as easily as in the typical "wide-awake", money-making community of 1938.

This absorption in material acquisition which seemed to affect all classes, even the slaves, may account for the Creole indifference toward civic welfare. In the particular matter of health and sanitation whatever efforts at reform were made can be credited to the functioning of the Spanish administrative policy from without, rather than to any consciousness of social betterment which functioned from within. This, despite the fact that it was the inhabitants themselves, rather than any succession of Spanish officials, who were the chief sufferers from the dread scourges of yellow fever and the dangers of leprosy, as well as the more widespread evils of a dirty, ill-kept town. The medical profession, seemingly such a necessary adjunct to this particular environment, occupied but a minor position in Creole life.

The place occupied by education in the social scheme of this period was the result of the Creole's indifference, which was due in part to the same economic factors which influenced the other phases of social life. In this field, however, his material environ-

ment and interests were reinforced by his inherent and ineradicable French individualism, to produce, not an adjustment, but a flat, if unconscious, rejection of the same. Spain, of course, loomed as the largest factor in this mental impasse, for her arrangements to provide a really excellent system of formal education she either overlooked, or chose to ignore the fact that her protégés were preponderately French and so wished to remain—for business reasons if nothing else. The practical Creole of New Orleans saw no advantage in initiating his son into the mysteries of Spanish speech and learning when he was in most cases destined to be a merchant and conduct his affairs in his mother tongue. Therefore, with the sporadic exceptions of French private institutions the educational system of New Orleans languished. To the same bourgeois attitude can be attributed the general lack of time and interest reserved for the fine arts or even reading, although the latter condition had some notable exceptions. In defense of the Creole, however, it should be remembered that this absence of cultivation in the more abstract fields is a usual characteristic of a frontier environment.

The attitude of the local Creole was as definitely positive in regard to his amusements as it was definitely negative in regard to his mental life. Thus, the amusements of New Orleans were of an active physical nature, based fundamentally on an escape motive which served as the psychological outlet for volatile, easily bored, yet innately intelligent manifestations of a Gallic temperament. The love of dancing which amounted almost to a passion, and the artificial tension induced by the prevalent custom of gambling for high stakes were logical manifestations of this. The fact that the theatre, and especially the drama, which in France occupied an important place in French civilization, was here of somewhat secondary rank in the roster of Creole pleasures, shows that they preferred pleasure of a less reflective type. It is also significant of the human trend of material and moral factors in a less disciplined environment.

That phase of social life which belonged to the realm of definite social control as embodied in law enforcement was perhaps the one unique contribution of the Creole character to the political vagaries of his environment. His adjustment to a system, which though mild, was so completely inefficient as to inspire him with terror, produced a situation which was *sui generis*. Paradoxically enough, the good which the Spanish sought to achieve by civic and

educational improvements, tended to finish in frustration, while the cumbersome, corrupt, and badly administered legal machinery appeared to have had a most salutary effect on the more unstable elements of local society. The Creole with his practical approach to difficult situations, contrived to dominate this one by minimizing its importance. As Robin noted, law enforcement was so bad that New Orleans learned to do without it, and its inhabitants nearly lost the need of litigation. Thus did French *esprit*, while in no way departing from its initial mental integrity, succeed in providing a basic note of conservative balance to a social structure whose parts naturally disunified, possessed additional qualities of turbulence through the type and nature of its activities as a port.

Since the characteristics of social life in New Orleans were thus saliently French, it might be possible to conclude that although the period was one of change, owing to the economic prosperity of the colony with its influx of extraneous elements, the geographic and racial factors remained constant. Since the French Creole dominated, the unit of Creole society remained as it had been before, to wit: the individual Creole.

BIBLIOGRAPHY

Unpublished Material

Documents found in the Cabildo Library. From Book No. 4079: documents numbered 248, 283, 288, and 304; from Book No. 4088: excerpt from file 199.

Morant, Carlos de. Census of 1791.

Proclamation of Don Manuel Gayoso de Lemos. New Orleans, 1798.

Records and Deliberations of the Cabildo. Nos. 1, 2, and 5.

Contemporary Writings

Anonymous. *Mémoires Sur la Louisiane et la Nouvelle-Orléans*. Paris, 1804.

Baudry de Lozières. *Voyage à la Louisiane et sur le continent de l'Amérique Septentrionale*. Paris, 1802.

Baudry de Lozières. *Sécond Voyage à la Louisiane faisant suite au premier de l'auteur de 1794-1798*. Vol. I. Paris, 1803.

- Berquin-Duvallon. *Vue de la Colonie Espagnol*. Paris, 1803.
- Bossu, N. *Nouveaux Voyages dans l'Amérique Septentrionale*. Amsterdam, 1771.
- Bossu, N. *Travels in Louisiana*. Translated by J. R. Forster. Vol. I. London, 1771.
- Collot, Victor. *A Journey in North America*. Translated by J. C. Bay. Vol. II. Paris, 1826.
- Davis, John. *Travels in Louisiana and the Floridas*. (Berquin-Duvallon). New York: I. Riley and Company, 1806.
- Ellicott, Andrew. *The Journal of Andrew Ellicott*. Philadelphia: Budd and Bartram, 1803.
- Forman, S. S. *Narrative of a Journey down the Ohio and Mississippi in 1789-1790*. Cincinnati: Robert Clarke and Company, 1888.
- Gordon, Harry. "New Orleans and Bayou Saint John in 1766", in *Louisiana Historical Quarterly*, VI (1923), 19-20.
- Hutchins, Thomas. *Historical Narrative of Louisiana and West Florida*. Philadelphia, 1784.
- Johnson, William. "William Johnson's Journal", in *Louisiana Historical Quarterly*, V (1922), 35-50.
- Latrobe, B. H. *The Journal of Latrobe*. New York: D. Appleton & Co., 1905.
- De Pagés. *Voyages Autour du Monde*. Vol. I. Paris, 1782.
- Perrin du Lac. *Travels Through the two Louisianas*. London: G. Barnard, 1807.
- Pittman, Phillip. *The Present State of the European Settlements on the Mississippi*. Cleveland: A. H. Clark Company, 1906.
- Pope, John. *A Tour Through the Southern and Western Territories of the United States*. Richmond: John Dixon, 1792.
- Robin, C. C. *Voyages dans l'Intérieur de la Louisiane*. Vol. II. Librairie F. Buisson, 1807.
- Sibley, John. "The Journal of Dr. John Sibley", in *Louisiana Historical Quarterly*, X (1927), 475-497.
- Smyth, J. F. D. *A Tour in the United States of America*. Vol. I. London, 1784.

Stoddard, Amos. *Sketches Historical and Descriptive of Louisiana*. Philadelphia: Mathew Carey, 1812.

Ulloa, Don Antonio. *Mémoires Philosophiques, Historiques, Physiques*. Vol. I. Paris, 1787.

Newspapers

Le Moniteur de la Louisiane. (August 14, 1802-November 23, 1803).

Published Documents

American State Papers, Miscellaneous. Vol. I, 354-356.

American State Papers, Finance. Vol. II, 56.

An Account of Louisiana, being an abstract of documents in the office of the Departments of State and of the Treasury. Philadelphia: William Duane, 1803.

Bjork, D. K. (ed. and trans.) "Documents Relating to the Establishment of Schools in Louisiana, 1771", in *Mississippi Valley Historical Review*, XI (1925), 561-569.

Calendar of Documents Photographed in the Archives of Seville for the Carnegie Institution of Washington. Despatches of the Governor of Louisiana to the Captain General of Cuba. Regular (Civil) Series (1768-1791).

Dart, H. P. "Document Concerning Education in New Orleans", in *Louisiana Historical Quarterly*, XI (1928), 240-252.

Dart, H. P. "Ordinance of Governor Unzaga Concerning Contracts", in *Louisiana Historical Quarterly*, II (1919), 448-449.

Dart, H. P. "Ordinance of Governor Unzaga Requiring Mechanics to Attend Fires", in *Louisiana Historical Quarterly*, IV (1921), 201-202.

"Despatches from the United States Consulate in New Orleans", in *American Historical Review*, XXXII (1927), 801-824; XXXIII (1928), 331-359.

French, B. F. *Historical Collections of Louisiana*. Vol. V. New York: Lampont, Blakeman and Law, 1853.

"Index to the Spanish Judicial Records of Louisiana", in *Louisiana Historical Quarterly*, VI (1923), 42-45, 155, 221, 315, 654, 691; VII (1924), 525; XI (1928), 326-329; XVI (1933), 516-517; XVII (1934), 211; XIX (1936), 512-522.

- Kernion, G. C. H. "Reminiscences of the Chevalier Bernard de Verges", in *Louisiana Historical Quarterly*, VII (1924), 79-86.
- "Official Report of Governor Miro and Intendant Navarro", in *Publications of the Louisiana Historical Society*, VIII (1914-15), 59-63.
- Porteous, L. L. "Governor Carondelet's Levee Ordinance of 1792", in *Louisiana Historical Quarterly*, X (1927), 513-514.
- Porteous, L. L. "Letter of Procurador General Pedro Ducidio Baran to the Cabildo Complaining of Sanitary Conditions", in *Louisiana Historical Quarterly*, XV (1932), 613-617.
- Porteous, L. L. "Torture in Spanish Criminal Procedure", in *Louisiana Historical Quarterly*, VIII (1925), 18-22.
- Porteous, L. L. "Trial of Pablo Rocheblave", in *Louisiana Historical Quarterly*, VIII (1925), 372-375.
- Price, E. D. "Inventory of the Estate of Jean Baptiste Prevost, July 13, 1769", in *Louisiana Historical Quarterly*, IX (1926), 411-457.
- Prichard, Walter. "An Account of the Conflagration that Happened in the City of New Orleans on March 21, 1788", in *Louisiana Historical Quarterly*, XX (1937), 582-589.
- Robertson, J. A. *Louisiana Under the Rule of Spain, France and the United States, (1785-1807)*. Vol. I. Cleveland: A. H. Clark Company, 1911.
- Rowland, Dunbar. *Official Letter Books of W. C. C. Claiborne*. Vols. I and II. Madison: Democrat Printing Co., 1917.
- "Sidelights on Louisiana History", in *Louisiana Historical Quarterly*, I (1917), No. 3, p. 103.

General Material

- Baroncelli-Javon. *Une Colonie Française en Louisiane*. New Orleans: George Muller, 1909.
- Boimare, A. L. "Bibliography of the Principal Works on Florida and Louisiana", in *Louisiana Historical Quarterly*, I (1917), No. 2, pp. 9-78.
- Bunner, E. *History of Louisiana*. New York: Harper and Brothers, 1843.

- Chambers, H. E. *A History of Louisiana*. Vol. I. Chicago: American Historical Society, Inc., 1925.
- Chambers, H. E. *Mississippi Valley Beginnings*. New York: Knickerbocker Press, 1922.
- Channing, Edward. *A History of the United States*. Vol. IV. New York: Macmillan Company, 1917.
- Darby, William. *State of Louisiana*. New York: James Olmstead, 1817.
- Denney, O. E. "A Brief Resumé of the History of Leprosy in Louisiana", in *Public Health Records*, LI, 1929.
- Fortier, A. *A History of Louisiana*. Vol. II. New York: Manzi, Joyant and Company, 1904.
- Gabriel, R. H. *The Lure of the Frontier*. New Haven: Yale University Press, 1929.
- Gayarré, Charles. *History of Louisiana*. Vol. III. New Orleans: Hawkins-Armand, 1885.
- James, J. A. *Oliver Pollock: The Life and Times of an Unknown Patriot*. New York: D. Appleton-Century Company, 1937.
- Kendall, J. S. *History of New Orleans*. Vol. I. Chicago: Lewis Publishing Company, 1922.
- King, Grace. *Creole Families of New Orleans*. New York: Macmillan Company, 1921.
- King, Grace. *New Orleans: The Place and the People*. New York: Macmillan Company, 1895.
- Lathrop, Elsie. *Early American Inns and Taverns*. Robert M. McBride and Company, 1924.
- McCutcheon, Roger P. "Books and Booksellers in New Orleans", in *Louisiana Historical Quarterly*, XX (1937), 607-608.
- McMurtrie, D. C. *Early Printing in New Orleans*. New Orleans: Searcy and Pfaff, 1929.
- Marbois, Barbé. *The History of Louisiana*. Translated by W. B. Lawrence. Philadelphia: Carey & Lea, 1830.
- Martin, F. X. *History of Louisiana*. New Orleans: James Gresham, 1882.
- Moody, V. A. "Slavery on Louisiana Sugar Plantations", in *Louisiana Historical Quarterly*, VII (1924), 191-208.

Oudard, Georges. *Four Cents an Acre*. New York: Brewer and Warren, Inc., 1931.

Priestley, H. I. *The Coming of the White Man*. New York: Macmillan Company, 1929.

Rightor, Henry (ed). *Standard History of New Orleans*. Chicago: Lewis Publishing Company, 1900.

Riley, M. L. "The Development of Education in Louisiana Prior to Statehood", in *Louisiana Historical Quarterly*, XIX (1936), 612-620.

The Sanitarium, May, 1899, p. 431.

Truett, R. B. *Trade and Travel Around the Southern Appalachians Before 1830*. Chapel Hill: University of North Carolina Press, 1935.

THE RELATIONS BETWEEN NEW ORLEANS AND LATIN AMERICA, 1810-1824*

By ALFRED TOLEDANO WELLBORN

CHAPTER I

INTRODUCTION

New Orleans, the entrepot of the west and the gateway to the vast Mississippi valley, was in 1810 a city of but some 24,000 inhabitants, and one which only two years previously had contained only 12,000 souls.¹ So small a population is surprising in comparison to this city's prominence in affairs of the day, and out of proportion to its renown and notoriety. But in this case, as in so many others, statistics are misleading if not correctly interpreted. It was the character of the people, its cosmopolitan atmosphere, and its Latin background which distinguished New Orleans from other cities of the United States of equal population, and which caused news from New Orleans to evoke interest not only in the older seaboard states, but particularly abroad. Then too, New Orleans was the outpost of American expansionist ideals, and the only city in all of Louisiana, that vast region whose boundaries were as yet undefined, and of which so little was known. It had been conspicuously before the American public for twenty-five years, first as the center of Spanish intrigue against the "South-west", and then because of its utmost importance to the young and vigorous communities along the Ohio River and its tributaries, communities beginning to exert political influence not to be ignored by party leaders.

The period of Spanish domination had given New Orleans the outward appearance of a Spanish town, for following the great fires of 1788 and 1794, the principal buildings had been reconstructed along Spanish architectural lines.² In 1808, there

* Master's Thesis in History, Louisiana State University, 1937.

¹ George E. Waring, Jr., and George W. Cable, *History and Present Condition of New Orleans, Louisiana, and a Report on the City of Austin, Texas*, (Washington, 1881), 36.

² Coleman, Will H., *Historical Sketch Book and Guide to New Orleans and Environs*, (New York, 1885), 10.

were about 7,500 whites and 4,500 blacks living there. Of the former, two thirds were French, while an increasing American element and a few Spaniards were the next most important groups.³ Following the transfer of Louisiana to France, most of the Spaniards had removed to Cuba.⁴ Those who were left, however, constituted a disquieting element, and Governor Claiborne had just cause to say that he wished that there had been yet fewer. For the most part they were trouble makers of all kinds, an adventurous and irresponsible lot. Thomas Ashe, a British tourist passing through New Orleans in November, 1806, states of these: "and the Spaniards do all the small retail grocers shops, cabarets, and lowest order of drinking houses. The first class of Spaniards, who could not submit to any other government but their own, have returned to Mexico; those who remain are esteemed degraded by their compatriots."⁵

But New Orleans at this time, though boasting of a continental culture unknown to other American cities, was nevertheless a frontier town. Paradoxical as it might seem, this city which liked to call itself "The Paris of the New World", was isolated in its surrounding swamps, approachable only by water, and separated from contact with more populous centers by miles of wilderness infested with Indians, who continued to constitute a menace to communication. Its streets were impassable in rainy weather, and in all contemporary accounts, New Orleans is depicted as small, dirty, and unhealthy, and it was its future possibilities, rather than its present appearance with which visitors were impressed. It is this frontier aspect of New Orleans of which we must not lose sight, for the common tendency is to think of the New Orleans of this period as the populous, busy and exceedingly more mature metropolis of the 1840's and 1850's. Coon-skin cap Kentuckians, American and British speculators in lands and Indian trade, who were here one day and gone the next, and the fact that of the 6,000 men of the United States Army, 2,000 had been sent to New Orleans,⁶ all indicate this fact.

Napoleon's Peninsular campaign had strange repercussions in Louisiana, for war between Spain and France, doubled the population of New Orleans within a year. French refugees from Santo

³ John Smith Kendall, *History of New Orleans*, (3 vols., Chicago, 1922), I, 85.

⁴ Christian Schultz, *Travels on an Inland Voyage Through the State of New York . . . and Through the Territories of Indiana, Louisiana, Mississippi and New Orleans*, (2 vols., New York, 1810), II, 204.

⁵ Thomas Ashe, *Travels in America Performed in the Year 1806*, (London, 1809), 312.

⁶ *American State Papers, Foreign Relations*, (Washington 1832), III, 404.

Domingo, who had fled that island when the slaves revolted and assumed control, settled in considerable numbers in Cuba. The invasion of Spain by Napoleon in 1808, creating a state of war between Spain and France, forced these refugees to leave their home once more, and about 10,000 came to New Orleans in 1809.⁷ Food and housing accommodations became quite a problem, but of greater moment was the unrest caused by this infusion of destitute foreigners. Fortunately there existed a common bond of sympathy between the two French peoples, and most of the refugees were assimilated without trouble by the original inhabitants. But these immigrants brought along with them their slaves, thereby violating the Act of 1807, prohibiting the importation of slaves from a foreign country. Humanitarian considerations demanded the receiving of these people, yet ship captains who brought along these negroes, had their ships confiscated. The authorities at New Orleans found themselves in a dilemma and appealed to their superiors in Washington. The matter was brought to the attention of Congress and a bill was passed remitting the fines and penalties incurred by ship captains who had been compelled to take on board emigrants from Cuba with their slaves.⁸ Taking advantage of this act, certain unscrupulous individuals undertook to bring in slaves from Jamaica and the Spanish colonies. Such frauds and impositions were quickly discovered, and Claiborne wrote to the United States agent at Kingston, Jamaica,⁹ and to the American consul at Havana, asking these men to warn all ships that the law applied only to refugees from Cuba and Santo Domingo, and that all others were liable to have their ships confiscated according to law.¹⁰

Besides slaves, there had been a great immigration of free people of color. This type was little desired in the territory, and a territorial law was enacted, allowing such women and children to remain, but ordering all males above the age of fifteen to depart immediately.¹¹ The latter provision was not enforced rigidly, however, and many continued to live in Louisiana.

Many of the poorer immigrants became a part of that large restless class which periodically disturbed the city, and which was composed in large part of floating seamen from the four corners

⁷ Coleman, *op. cit.*, 23.

⁸ *Congressional Debates*, 11 Cong., 1 Sess., 462-465, (June 28, 1809).

⁹ Dunbar Rowland, *Official Letter Books of W. C. C. Claiborne, 1801-1816*, (Jackson, Miss., 1917), V, 8. (Hereafter cited as *Claiborne Letter Books*).

¹⁰ *Ibid.*, V, 5.

¹¹ Charles Gayarré, *History of Louisiana*, (4 vols., New Orleans, 1908), IV, 204-205.

of the earth, crude backwoodsmen, and exiles from Europe. Most of these men had nothing, but were adventurous and willing to undertake any sort of business which promised excitement and remuneration. The constant quarrelling and fighting among the various factions of this group, was but the outward manifestation of the animosity and intrigue which was carried on among corresponding factions in the population.

The Creoles viewed with alarm the ascendancy of American influence both in the government and in commerce. From the first they were suspicious that the Anglo-Saxons were striving to displace them, and though happy to be a part of the United States, they disliked the implication of inferiority produced by continuance of territorial status. The Americans dreaded the intrigues of the foreigners, especially the English and the Spanish. The Burr incident was still fresh in the minds of the officials, and a spirit of distrust and fear prevailed. Spain, with more reason to be apprehensive, was keenly aware of the danger to its empire from the aggressive Yankees. With this in view, its agents in New Orleans were constantly on the alert for any plots which might originate in this vicinity.

At the end of the first decade of the nineteenth century, therefore, New Orleans was a particularly fruitful and convenient place to organize revolutionary enterprises. It is true that there were some disadvantages, namely: its distance from centers of finance, the increasing efficiency of both civil and military establishments, and the ascendancy of a more conservative American commercial class; yet the advantages of diversified population, sympathy of the mass of the people, and proximity to New Spain, made New Orleans the logical place to serve as a foreign depot for any expeditions to those regions.

The year 1810 is commonly set as the beginning of the Wars of Independence of the Latin American states. Since the revolt of Tupac Amaru in 1785, however, the Spanish Empire had suffered local revolts frequently.¹² The revolt of the thirteen colonies from Great Britain, and the French Revolution had imbued the Spanish colonies with a thirst for more liberal government. The natural interest of the Spaniard in political theory, had made him receive with enthusiasm the writings of the liberal philosophers, and awakened in the better class of Creoles a desire to emulate foreign

¹² William Spence Robertson, *The Rise of the Spanish American Republics as Told in the Lives of their Liberators*, (New York, 1918), 15-17.

revolutionary heroes. Despite the strict censorship and supervision of the officials, inflammatory pamphlets emanating from republican France reached intelligent and energetic patriots, who undertook to disseminate these ideas among the more intellectual Creoles. But of even greater importance in bringing about a revolt was the oppressive economic system. The restrictive commercial policies of the Spanish crown, the corrupt administration of government, and above all, the discrimination against the Creole, are familiar as causes of discontent. That the successful wars began in 1810, is but the result of conditions in Spain. For a long time the monarchy had been in a state of decadence, and now that Ferdinand VII was no longer king, and Spain was overrun by the French, there was no force to resist effectively the Patriots' efforts.

As Spain had not allowed the United States to have intercourse with its colonies, very little was known about these regions on the outbreak of hostilities there. As late as 1812, Niles, in giving accounts of the battles in Colombia and Venezuela, comments on the lack of available information on these regions, and complains that even the geography and customs of the people are unknown.¹³ To remedy this condition, most periodicals of the 1810's contain descriptions of the topography, people, commerce, and various other aspects of life in the Spanish colonies. Perhaps the most popular and most authoritative work on New Spain was that of Humboldt, which appeared in 1808, and was reprinted in *Niles' Register*.¹⁴ Information of this region was particularly interesting to New Orleans, because most of the city's intercourse was with New Spain and Cuba. Another work, that of Captain R. H. Bonnycastle of the Royal Engineers, is prefaced with remarks to the effect that as his work is the only one on this subject in English, it should be well received, and that the additional information on Chile, and the interior provinces of LaPlata, regions neglected by Humboldt, should tend to dispel the obscurity which renders most of South America as little known as central Africa.¹⁵ That the government of the United States itself had little knowledge of what was taking place there, and of what most of Latin America was like, can be gathered from the type of reports submitted to

¹³ *Niles' Weekly Register*, I, 399, (February 1, 1812.)

¹⁴ *Ibid.*, I, 14-16, 27-30, 43-45, 59-61, (September 7, 14, 21, 28, 1811.)

¹⁵ R. H. Bonnycastle, *Spanish-America, or a Descriptive, Historical and Geographical Account of the Dominions of Spain in the Western Hemisphere*, (Philadelphia, 1819), Introduction, xvi.

the Secretary of State by Theodorick Bland, on Buenos Ayres¹⁶ and Chile,¹⁷ by Joel R. Poinsett, on the United Provinces of South America,¹⁸ and by Caesar A. Rodney on the same.¹⁹ But if there was a want of information in the older sections of the United States, the scarcity of it in New Orleans can well be imagined, for whatever news was obtained came weeks later via Philadelphia, Boston or other cities having commercial relations with that quarter of the globe.

However, New Orleans had indirectly been connected with the most noted of the pre-revolutionary episodes. Miranda, in getting up the "Leander" expedition in New York, had induced a number of adventurers to sign up by telling them that they were being enlisted as mail guards for New Orleans. The subsequent failure of the enterprise resulted in the capture of a number of citizens of the United States. The fate of these men attracted public attention when Mr. McKim of Maryland presented to Congress a petition of thirty-five Americans confined at Carthage, stating that they had been induced to engage in this unlawful expedition by means of falsehood and deception.²⁰ The petition was referred to a committee who resolved that the President endeavor to find some means of releasing them.²¹ When the bill came before the House, it was violently opposed by John Randolph of Roanoke.²² Testimony of one Peter Rose was next introduced, stating that he had been employed to go to New Orleans and had not discovered the object of the expedition until he got on board, but was then prevented from leaving. Other testimony was to the effect that the petitioners had either been employed as mail guards, or induced to embark under the impression that they were enlisting in the army for service at New Orleans.²³ The ensuing vote on the bill was 62 to 62, the speaker casting the vote which defeated it.²⁴

The two following incidents occurring on the eve of the "Revolutions", are indicative of the suspicious attitude of the

¹⁶ William R. Manning, *Diplomatic Correspondence of the United States concerning the Independence of the Latin-American Nations*, (3 vols., New York, 1925), I, 382-438.

¹⁷ *Ibid.*, II, 946-1005.

¹⁸ *Ibid.*, I, 444-494; II, 1005-1019.

¹⁹ *Ibid.*, I, 495-515.

²⁰ *Congressional Debates*, 11 Cong., 1 Sess., 161, (May 31, 1809).

²¹ *Ibid.*, 257-258, (June 9, 1809).

²² *Ibid.*, 269-283, (June 13, 1809).

²³ *Ibid.*

²⁴ *Ibid.*, 315, (June 14, 1809).

Spanish authorities toward Americans, and the ill will borne by a large portion of the citizens of Louisiana towards Spain. It was brought to Governor Claiborne's notice that certain seamen of a ship from New Orleans to Yucatan were being held on charges of being spies of the American government. On July 17, 1809, therefore, Claiborne wrote a letter to the Captain General of Yucatan telling him that there were no plans preparing in this territory for an expedition against Spain, and that he could assure them, that the men detained were not engaged in espionage. He requested that they be liberated if there were no charges against them.²⁵ On July 19, he again wrote to Don Benito Perez, the Captain General, stating that he had received news that the prisoners for whom he had interceded had been liberated. He thanked the governor general and requested that, as he was very anxious to preserve the good will between the two countries, Perez give him the names of those persons in New Orleans who were supposed to be plotting against Spain.²⁶ In November, 1809, Claiborne again wrote the Captain General and said he understood that John Robert, captain of the schooner *Celestine* of New Orleans, was confined at Laguna, and again specifically stated that there were no conspiracies brewing in New Orleans.²⁷ All of these letters are rather mild; none make a demand for the restoration of the men, and Claiborne showed a spirit of willingness to cooperate with the colonial officials, if they would name the conspirators in New Orleans. With Claiborne's letter is one of the owner of the ship and merchandise, Jacob y Cart, who stated that the arrest was made on a letter of warning sent by someone in New Orleans, and that he appealed to the governor to examine officially into the case.²⁸ What happened to these men is not made clear. There are no replies of the Captain General, but the case well illustrates how precarious were the relations with Spain.

The other curious case arising in 1809 is that of Captain Francis Newman of the United States Army. Claiborne, in a letter to Colonel Hopkins in November, 1809, told that individual that he had received information there were plots brewing in Louisiana, the object of which was the liberation of the Spanish Internal Provinces. Claiborne confessed that his information was not definite, but suggested to the colonel that, as in the course

²⁵ *Claiborne Letter Books*, V, 11.

²⁶ *Ibid.*, V, 12.

²⁷ *Ibid.*, V, 10.

²⁸ *Ibid.*, V, 13.

of his duties he was called upon to visit the various parts of the state, he was to keep his eyes open for any such plot. He also added that if, when in Natchitoches, he met any Spanish officers, he should not fail to impress them with the wish of the United States to keep peace and to prevent any such trouble as had been rumored.²⁹

The reason for this note of warning to Hopkins was that a civil suit was being conducted against two Spaniards in New Orleans charged with libel against the government. These Spaniards had handed to the American authorities two letters supposedly written by Captain Newman to one Joseph Solis at New Orleans, and containing a plan for an expedition against Mexico. These letters were handed by the Spaniards to a Mr. Missonier, who immediately began to investigate the matter and give it publicity. Claiborne, in writing to Robert Smith, Secretary of State, expressed the opinion that Missonier acted with more integrity than discretion. Captain Newman who was stationed at Natchitoches was brought to New Orleans and there examined by a commission, after it had been determined that the writing and signature of the letters were similar to letters of his written to friends in New Orleans. The examination took place on November 24, 1809. Newman admitted that a Mr. Solis was an uncle of his wife, but swore that he had never written to anyone by the name of Solis. When asked if he knew of any plot among the officers at Natchitoches to invade Mexico, he said he was in no position to speak as he knew nothing about such matters.³⁰

Claiborne in commenting on the appearance of Newman said that though he seemed disturbed, it was not because of guilt, but rather because there had been a question of his honesty. Prior to the interview, Claiborne seemed to have believed in the duplicity of Newman, but his letter to Smith of November 16 indicated that his suspicions regarding that individual had been allayed.³¹ Later in reporting the trial of the two Spaniards, Claiborne stated that he sided with those persons who thought the letters forgeries. Nevertheless, he told Smith that there was a good bit of unrest in this quarter, and that he really believed that there were plans on foot to overthrow Spanish power. The whole affair was shrouded in mystery, for the test of the forged letters was not disclosed, nor

²⁹ *Ibid.*, V, 7.

³⁰ *Ibid.*, V, 18.

³¹ *Ibid.*, V, 17.

were the particulars of the plot mentioned.³² Claiborne's notes to Smith were very guarded, and he appeared to wish to clear himself of any future criticism, by reiterating his use of due vigilance and his instructions to Colonel Hopkins.

CHAPTER II

FILIBUSTERING AND OTHER PATRIOTIC ACTIVITIES IN NEW ORLEANS

Because of the role played by New Orleans in the expeditions of Lopez to Cuba in 1850-51, and of William Walker to Central America in 1857, and because of the close connection of that city with Latin America today, there is a tendency to think of such relations as having always existed. This erroneous impression may be ascribed to two factors. The first, geographical proximity, often taken for granted, holds true only for the shores of the Gulf of Mexico and certain parts of the Caribbean, for New Orleans is actually farther away from South America than are the Atlantic ports. In the second place, New Orleans has always been thought of as the point of departure for Latin American filibustering expeditions, a reputation acquired mainly because the most noted adventures of this sort in our history, were concerned with regions for which New Orleans would be a logical base, and was used as such.

When the revolutionary movements began in the various sections of Latin America, New Orleans at first was not affected. In fact, throughout the whole period under consideration, this city had no direct contact with LaPlata or the Pacific coast countries, nor did citizens of Louisiana even become implicated in the patriotic efforts of the far south. With Venezuela, Colombia, and the West Indies the ties were closer, but even in that case whatever happened was spasmodic. New Spain, therefore, claimed all attention, and this statement might be qualified by limiting the region most affected to Texas, for rarely did efforts originating in New Orleans or its vicinity succeed in reaching beyond that province.

In the summer of 1810, Hidalgo, curate of Dolores, raised the standard of revolt in Mexico.³³ Among those who joined his

³² *Ibid.*, V, 18.

³³ James Morton Callahan, *American Foreign Policy in Mexican Relations*, (New York, 1932), 6.

cause was the Creole, Jose Bernardo Gutierrez de Lara, a man of some education, but of whose ability there is question. In March, 1811, while Hidalgo was retreating northward, Gutierrez had an interview with him, and it is then that the latter is supposed to have been appointed diplomatic agent to the United States.³⁴ The validity of this commission is uncertain and its importance minimized, for five days later Hidalgo was captured and whatever government he represented ceased to exist.³⁵ Gutierrez, keeping under cover, spent some months furthering the patriotic cause in the northern provinces, then traveling by way of the Indian Country, he reached the "Neutral Ground". On his way he won over many Indians to the Patriot cause, and they, anxious to obtain revenge against their oppressors, proved valuable allies in the subsequent expeditions. With Gutierrez was a Captain Menchaca, of whom we shall hear later, and fourteen others.³⁶ While crossing the Neutral Ground,³⁷ the party was set upon by agents of the "Gachupines", who succeeded in slaying several. Gutierrez and Menchaca escaped, but only after, as the former stated, "loosing everything we carried and most important of all, the papers and dispatches which proved my commission in a positive manner".³⁸ Reaching Natchitoches penniless, Gutierrez was befriended by the American officials, from whom he procured letters to men of influence in Washington, which place he reached in December, 1811.³⁹ His report to the Mexican Congress, written from New Orleans, August 1, 1815, recounts in detail his experiences and hardships

³⁴ Isaac Joslin Cox, "Monroe and the Early Mexican Revolutionary Agents", in *American Historical Association Annual Report*, 1911, (2 vols., Washington, 1913), I, 200.

³⁵ *Ibid.*

³⁶ Jose Menchaca or "Manchac" had been an officer in the Spanish army. Having joined the patriots, he was fleeing from the upper presidios after the defeat of the revolutionists by Salcedo. Gutierrez hid him, and later they undertook the voyage to the United States. When Gutierrez departed for Washington, Menchaca stayed behind, and organizing the ruffians of the Neutral Ground, invaded Texas in the latter part of 1811. But meeting a Spanish force, he forsook his companions, and accepted a commission in the Spanish Army. Yoakum mentions a Menchaca as an officer in the Gutierrez-Magee expedition; a rough and crude Mexican, but a born leader with influence over the desperate characters who composed that band. This man was the nephew of Jose Menchaca.

³⁷ "The fall of 1806 found the United States and Spain all but at war because of many disputes, chief of which arose over the Louisiana boundary. Their armies were marched to the frontier. There, November 5, 1806, on the basis of a proposition made by James Wilkinson, Herrera, governor of Nuevo Leon, agreed to make neutral the land lying between the Sabine and the Arroyo Hondo. As no authority was exercised in that region it was soon occupied by men who respected no law. The Neutral Ground strip . . . continued to give trouble down to the treaty of 1819". Walter Flavius McCaleb, "The First Period of the Gutierrez-Magee Expedition", in *Texas Historical Association Quarterly*, (January, 1901), IV, 220.

³⁸ Charles Adams Gulick, Jr., editor, *The Papers of Mirabeau Buonaparte Lamar*, (6 vols., Austin, 1921), I, 8. (Hereafter cited as *Lamar Papers*).

³⁹ Elizabeth H. West, "Diary of Jose Bernardo Gutierrez de Lara, 1811-1812", in *American Historical Review* (October, 1928), XXXIV, 70.

since leaving Mexico. The following is an account of an incident occurring while on his way to Washington:

The first place I reached was Natchez, capitol of the Mississippi territory. There was a Spaniard there who had been Consul of the King of Spain in New Orleans, and this grand rascal paid two assassins to kill me on the road. They followed me for six days, during which time I suspected nothing. At the end of the sixth day they attacked me, but as I did not carry my arms to play with, I put a quietus on them and continued without this danger.⁴⁰

Gutierrez' report, while interesting, is not absolutely reliable, for both through poor judgment and in order to present himself in as favorable a light as possible, he colors his accounts to suit his purpose. Moreover, at the time of writing he was attempting to justify his previous failures, by attributing them to Toledo.

Meanwhile events in Louisiana reflected the disturbed state of Mexico. The ruffians of the Neutral Territory, always a source of worry, had become more daring, until their depredations provoked Judge Carr of Natchitoches to write Claiborne. The Governor's answer, dated from New Orleans, July 30, 1811, advised that, "in the event . . . the crime was committed within the tract of country lying east of the Sabine . . . the offenders be arrested."⁴¹ This apparent breach of the agreement of 1806 Claiborne supported by saying that the question of jurisdiction could best be determined by the courts, and that the act of Congress authorizing the formation of a state from the Orleans Territory, provided that its boundary should extend to the Sabine.⁴² On the same date Claiborne wrote Colonel Shaumburg ordering him to call out the militia to break up these bands of brigands.⁴³

While Natchitoches and its vicinity were the scene of most of this lawlessness, New Orleans, as the seat of government, was vitally concerned, for it was there, to a great extent, that the policy regarding the southwest was formulated. Frontier officials looking to Claiborne for instructions forced him to act on his own initiative, it being too difficult to refer these questions to his superiors. Neglected by the newspapers of the period as unspectacular, and in the nature of anti-climax, this phase is often over-

⁴⁰ *Lamar Papers*, I, 8.

⁴¹ *Claiborne Letter Books*, V, 321.

⁴² *Ibid.*, V, 320.

⁴³ *Ibid.*, V, 321.

looked, but examination of official correspondence shows how much there is on the subject.⁴⁴

It was shortly after the episode related above that Menchaca began to organize the outlaws of the Neutral Ground. Reports of his activity were current in *Niles' Register*,⁴⁵ and the *Louisiana Gazette*.⁴⁶ The defection of Menchaca left these men without a leader, and the projected invasion was temporarily halted. But the number of adventurers kept increasing; likewise their crimes. Living off the little commerce carried on between Texas and Louisiana, they threatened to destroy it. A memorial was drawn up by "respectable merchants" of Natchitoches urging that adequate protection be afforded them,⁴⁷ as the civil authority was not competent to do so. Regular troops were ordered to the boundary, Zebulon Pike being assigned the task. He succeeded in capturing several and dispersing the rest temporarily.⁴⁸

However, in March, 1812, Gutierrez arrived in New Orleans.⁴⁹ While in Washington, he had been fortunate in gaining the ears of men prominent in the administration. John Graham, chief clerk in the Department of State, who had had experience in Louisiana and knew the West, was particularly friendly to him.⁵⁰ Gutierrez, always too sanguine, misunderstood his cordial reception to mean that the United States was sympathetic to his plan. In reality, Monroe, Secretary of State, was careful to promise nothing, for the probability of war with Great Britain precluded any act which might make an enemy of Spain. The government, to get rid of him, but as Gutierrez thought, to further his cause, paid his passage to New Orleans, and referred him to Claiborne.⁵¹ It is interesting to see how Gutierrez spent his time there. Following is his diary:

(March) 23. Today we arrived, at 8 o'clock a.m. I engaged board in the house of an Italian. I went to the house of the governor and gave him a letter of recommendation which I bore from the federal government; he received me

⁴⁴ *Ibid.*, V and VI, *passim*. Letters of Claiborne to Col. Shaumburg, Judge Carr, James Monroe, Secretary of State, General Wade Hampton, General Wilkinson, John Graham, and Diego Murphy, Spanish Consul at New Orleans.

⁴⁵ *Niles' Register*, I, 272, (December 14, 1811.)

⁴⁶ *Louisiana Gazette*, November 25, 1811.

⁴⁷ *Claiborne Letter Books*, VI, 34.

⁴⁸ *Louisiana Courier*, April 6, 1812.

⁴⁹ West, "Diary of Jose Bernardo Gutierrez," *loc. cit.*, XXXIV, 289.

⁵⁰ Graham from 1804 to 1807 was secretary of the Territory of Orleans. He soon made himself indispensable to Claiborne, taking over the internal correspondence of the territory. As Jefferson's special agent, he investigated the "Burr Conspiracy". Made chief clerk of the State Department (1807), he became interested in Latin America and helped formulate Madison's policy. Was later sent to South America. *Dictionary of American Biography*, VII, 277.

⁵¹ Cox, *loc. cit.*, I, 202-203.

with great kindness, and we made an appointment for four o'clock p.m. I went, and he said my travel henceforth would be at his cost. Here, too, I met an American gentleman who is consul of the government;⁵² who made me move to his lodging; and we agreed to set out for Natchitoches together.

24. We went to the house of the governor, where there was a gathering of all the military officers, who had come to pay their respects to the governor.

25. Today the governor came to visit me and to invite me to come to his house to take a meal with him; for which I thanked him.

26. Today I went walking over the city; and I saw the beautiful gardens and the very straight streets. In the afternoon I went down to the wharf to see an admirable and never-before seen device which some men have invented. It is a great ship which they call a steamboat, which moves very swiftly against the winds and the currents by means of fire; which is a thing worth seeing. The said ship is so large that she seems like a little village; inside, she has three saloons, three galleries, and various rooms. Her cargo could not be carried by fifty mule-trains; she earns for her owner 3000 pesos every month in freights.

27. Today I went to dine with the governor. The table was very abundantly supplied with food, wines, oranges, and apples. A gentleman who was present invited the governor and me to his house tomorrow. This gentleman is a very powerful merchant; his name is Benjamin Morgan. The governor gave us many toasts in fine wines to the health of Generalissimo Rayon, to the union of the Two Americas, and to the health of my family.

28. Today we went on the invitation tendered us by Don Benjamin—the governor, the consul of the government, and I. The meal was served to us in the house of a very wealthy man.

29. Today the governor, the consul, and I have been impelled to wonder at the extravagant love for my Generalissimo Rayon. . . .

30. Today I did not leave the house.

31. Today likewise I did not leave.

⁵² "Captain William Shaler, referred to in the letter of Claiborne cited in note 28. Dr. Garza speaks of Shaler as a spy, whose main purpose ever since the time of his appointment as consul to Havana in 1810 had been to get such connection with the Mexican Revolution as would enable him to manipulate it in the interest of the United States; as a shrewd politician, widely travelled, an excellent linguist, an unscrupulous devoted patriot, attractive, diplomatic, about forty-eight years old at this time, and "finally, marked by the hand of God: a cripple!" *Dos Hermanos Heroes*, 61-63, *et. seq.* He had been appointed commercial agent to Mexico."—West, "Diary of Jose Bernardo Gutierrez de Lara," *loc. cit.*, XXXIV, 290, footnote 29.

April

1. I went shopping to buy various little things for personal use. The governor came to see me today.

2. Today I went to see the governor, and we took a walk over the city.

3. I walked over to the arsenal and the bay. There are a hundred large and many more small boats.

4. Today the governor came to see me.

5. Sunday. Today I did not leave the house.

6. Today I went for a drive in a carriage with Madame Rayon.⁵³ Today there came to the consul the news of a conspiracy against the United States which the British were framing in Canada.

7. I had an invitation to breakfast at the house of Mr. Morgan with the governor and the consul, and my trip was put off until tomorrow.

8. We went early in the morning to breakfast at Mr. Morgan's the consul and I; and he lent us his carriage to drive to the boat which was awaiting us at a distance of half a league. We sailed all day."⁵⁴

Gutierrez' stay in New Orleans was comparatively short, and except for the diary there is no information as to his activity there. Obviously both Shaler and Claiborne saw much of him. The latter was a bit perplexed, not knowing exactly what was expected of him. What had Graham meant by saying that every facility should be extended Gutierrez to enable him to reach Mexico?⁵⁵ To what extent should he openly show countenance to the Revolutionist? Then too, "no sooner was the arrival of this man known in New Orleans, then several intriguers (believed to be acting under foreign influence) made attempts upon him;—but he prudently evaded all their efforts, and kept himself whilst here quite retired."⁵⁶

That he did anything in the way of recruiting is doubtful. Rather, he was more concerned in establishing valuable connections upon the basis of the credentials obtained from the State Depart-

⁵³ Whether or not this lady was a relative of the Mexican general of that name I have not been able to determine.

⁵⁴ West, "Diary of Jose Bernardo Gutierrez de Lara," *loc. cit.*, XXXIV, 289-291.

⁵⁵ Claiborne *Letter Books*, VI, 68.

⁵⁶ *Ibid.*, VI, 79.

ment. His dealings with Benjamin Morgan would indicate this. That gentleman, a prominent merchant, was known to take part in varied schemes. Of interest in this connection is a letter of Claiborne to Morgan, February 7, 1812, in which the governor tells of troop movements to the western boundary, and ends by saying: "Believing that this information may in some degree influence your commercial arrangements, I give it to you with great pleasure."⁵⁷ In all probability Gutierrez must have made an agreement with someone to act as his factor, so to speak. Nowhere is there proof that Morgan acted in this capacity, yet no other merchants are mentioned as being on quite so intimate terms. It is certain that there was someone supplying arms and munitions in exchange for wool.⁵⁸ As the importance of New Orleans was as a base of supply it is unfortunate that there are no records of who carried on this traffic and how extensive it was. Bancroft states that Gutierrez, "went to New Orleans, where he began to organize an expedition for the invasion of Texas, which scheme was facilitated by his former commercial relations with that city."⁵⁹ But from his diary it would seem that he had never been there before and knew no one.

Claiborne was delighted to rid himself of his troublesome visitor by sending him to Natchitoches in company of Shaler.⁶⁰ As Gutierrez was destitute of funds, passage money and expenses were furnished through Shaler, who was advised "that on reaching Natchitoches, it would not be proper to show any further countenance to this stranger."⁶¹ Gutierrez on the other hand believed Shaler the confidential agent of more prominent officials, who, unwilling to act openly, were using this means of assisting the Mexican cause. In his letters he said that he "placed himself entirely under the direction of Shaler and Claiborne" and asks Graham to "assist him to procure a printer" and "two or three thousand muskets that are for sale in New Orleans."⁶²

Arriving in Natchitoches he continued to associate for a while with Shaler, but from his status of envoy he drifted to that of fili-

⁵⁷ *Ibid.*, VI, 50.

⁵⁸ H. Yoakum, *History of Texas from its First Settlement in 1685 to its Annexation to the United States in 1846*, (2 vols., New York, 1856), I, 155; *Niles' Register*, III, 144, (October 31, 1812.)

⁵⁹ Hubert Howe Bancroft, *History of the North Mexican States and Texas*, (2 vols., San Francisco, 1886), II, 20.

⁶⁰ Cox, *loc. cit.*, I, 206.

⁶¹ Claiborne *Letter Books*, VI, 79.

⁶² Cox, *loc. cit.*, I, 206-207.

buster.⁶³ He fraternized with Magee,⁶⁴ whose confidence he gained and whom he fired with a thirst for adventure, and together they began to gather together the "choice spirits" who had survived Pike's efforts. The nucleus of this force was composed of men from Kentucky, Tennessee, Mississippi, and a few from Louisiana. Among the officers were Kemper, Lockett, Ross and Perry, some of whom will be recognized as having participated in the West Florida insurrection of 1810. Samuel Davenport, who had been Indian agent at Natchitoches, was made quartermaster, and he proceeded to gather the materials necessary for the expedition. "Magee visited New Orleans, where he obtained a few supplies, and engaged some young men of respectable character to join him."⁶⁵ Davenport remained in Natchitoches awaiting these supplies and contracting for others.

By August, 1812, the army was ready and the march on Nacogdoches, the first Spanish post, was commenced. During four or five months that preparations were being made, both the state and federal authorities were aware of what was going on. Claiborne had repeatedly written both the civil and military officials to "bring the law to bear against any person or persons engaged in setting foot within the Jurisdiction of the U: States a Military expedition or enterprise against the Dominions of a foreign Prince."⁶⁶ On the other hand when reporting to Monroe, he mentioned his instructions but confessed that lack of sufficient force prevented their having effect. The following letter gives an idea of the respect held for constituted authority.

New Orleans, 17 Aug. 1812

To Judge Steele, Baton Rouge

Shortly after issuing the enclosed proclamation, a Man of the name of William Francis came to me & said, he had intended to proceed to Natchitoches in a barge, with a number of passengers, whom he believed designed to join the Mexican expedition, & understanding the Government approved the same, he had not supposed any blame would attach to him.—But finding from the Proclamation, that the expedition was unauthorized, he should no longer favour it, or any

⁶³ *Ibid.*, I, 208.

⁶⁴ Lt. Augustus Magee, a West Pointer, was stationed at Natchitoches. Enthused by the vision of a Mexican conquest he joined Gutierrez but died at La Bahia, during the first phase of the expedition.

⁶⁵ Yoakum, *op. cit.*, I, 154.

⁶⁶ Claiborne *Letter Books*, VI, 122.

person concerned; & on proof of his sincerity, he delivered me four stand of U: S: Arms, which were found in possession of some of the persons, who had engaged their passage.—The next day Francis again came to me, & said that having taken in freight for Natchitoches, his private interest required he should proceed thither;—But as it was probable, suspicion would at this time attach to all Boats proceeding to that quarter, he solicited for his security a passport, which I furnished him, under a belief that he was sincere in his professions of respect for the Laws. I have this moment been informed, that the whole of this conduct was a finesse & that Francis left this place two days since with all the persons who had originally engaged to accompany him.—I have therefore to request, that you would take means to see Francis, as soon as he should reach Baton Rouge & demand of him his passport, & on receiving it, that you should say to him, that he had deceived me, & that I had requested you to obtain the passport & to transmit it to me.—I have further to request, that you would cause the Francis's Barge, the Passengers & Crew to be examined, & if there be reasonable ground to suspect, that the object of the voyage to Natchitoches is in any manner to co-operate in the expedition against the Spanish Dominions, that you will bond Francis & the passengers to their good behaviour, or have recourse to such other procedure, in conformity to the Laws, as may in your judgment be deemed correct.

Claiborne⁶⁷

In lieu of representation through the usual channels, because of the lapse in diplomatic relations between the United States and Spain, Diego Morphy, Spanish consul at New Orleans, protested from time to time directly to Claiborne. He charged that one hundred men had been recruited in New Orleans and that they were part of the force marching on Nacogdoches.⁶⁸ The governor merely replied that the necessary instructions had been issued prohibiting such enterprises and that there was nothing further to be done.

The story of the latter part of the Magee-Gutierrez expedition rightfully belongs to the history of Texas, but as New Orleans served indirectly as its base, and the course of this adventure entailed much that has bearing on that city, a brief sketch of what took place is necessary. Magee was chosen commander, though as a matter of policy to please the Mexicans, Gutierrez was given the title of general. To all appearances he was the leader and all

⁶⁷ *Ibid.*, VI, 164.

⁶⁸ *Ibid.*, VI, 152, 193.

proclamations were issued in his name, but the responsible officers were mostly Americans. Nacogdoches was occupied without difficulty and proceeding to La Bahia, that place, with its valuable stores of arms and money, was captured after a slight resistance.⁶⁹ This place was important, being but ten leagues from the port of Capano, through which assistance from New Orleans could be received.⁷⁰ However, access to the sea made no material difference in this case, for it is doubtful whether Gutierrez received aid through this channel as he had envisioned.

While the expedition was yet at Nacogdoches it was joined by Jose Alvarez de Toledo, whom Gutierrez had met in Philadelphia and with whom he had been very much impressed. That Toledo was a man of greater ability than Gutierrez there is no doubt, though he was a greater blackguard as well. Born in Cuba, he had seen service in the Spanish navy and represented Santo Domingo in the Cortez at Cadiz. Inclined to liberalism, he came to America and in 1811 was in Philadelphia and Washington where, assuming the role of patriotic emissary, he endeavored to persuade the administration to foster his plans for creating an independent confederation of all the Spanish colonies.⁷¹ Interviewed by A. J. Dallas, district attorney for Pennsylvania, he suggested that the United States pay his expenses to Cuba where, because of his connections, he could cause discomfiture to the Spaniards and combat the rising sentiment in favor of Great Britain.⁷² The latter point appealed to the Americans, for there was constant fear that should Spanish power be displaced England would reap the benefits. Yet as a neutral nation the United States could not openly extend aid, so Toledo was secretly provided with funds to enable him to go to Cuba. But he could not be gotten rid of as easily as Gutierrez, for he remained in the United States under pretext of not being able to obtain passage. Hearing of the Texas project he forsook his plan with regard to Cuba and proceeded to Nacogdoches. It is not certain whether he proceeded by way of New Orleans, but Cox implies as much.⁷³ Toledo's character was pretty much a mystery and his actions conflicting. Some believe that at all times he was a Spanish spy posing as a patriot only in order to defeat that

⁶⁹ *Lamar Papers*, I, 12-13.

⁷⁰ Bethel Coopwood, "Notes on the History of LaBahia del Espiritu Santo" in *Texas Historical Association Quarterly*, II, 166-167.

⁷¹ Cox, *loc. cit.*, I, 202-203.

⁷² *Ibid.*, I, 203-205.

⁷³ *Ibid.*, I, 205.

cause. That he deceived Magee, Gutierrez and others is certain, for when he joined the expedition he was acclaimed a hero, quickly gained their confidence, and became a leader.

In March, 1813, the army advanced from La Bahia towards San Antonio. Met outside the city by Salcedo, Governor of Texas, there ensued a battle in which the Spaniards were defeated with great slaughter and Salcedo captured.⁷⁴ The events following this victory resulted in the reorganization of the forces, and mark its disintegration. What to do with the governor and his staff was a problem, but it was finally decided to send them to New Orleans. They were put in charge of Delgado, whose father had been executed by Salcedo, and who in revenge had all the prisoners massacred while on the way to the coast. This crime which shocked even the sensibility of the Mexicans, accustomed as they were to ruthless warfare, so disgusted the Americans that many of them, among whom were Kemper and Ross, abandoned the enterprise.⁷⁵ This defection, however, in all probability was caused just as much by the deplorable straits in which many of the adventurers found themselves after their hard overland trek.⁷⁶ Gutierrez, who had been of little assistance but whose vanity had irritated other members, was accused of having countenanced this atrocity. He was deposed, Toledo put in his place, and Perry chosen military commander, Magee having died at La Bahia.⁷⁷ Gutierrez on the other hand attributed the dissolution of the enterprise to the machinations of Toledo⁷⁸ and returned to Natchitoches, fearing that if he remained in Texas Toledo would find a way of disposing of him.

Meanwhile news of these happenings had reached Arredondo who commanded the northeastern provinces. Moving out towards San Antonio he surprised the patriots, who had spent their time in that city in dissipation, and who fell into an ambush especially prepared on the banks of the Medina, where they were totally routed, August 18, 1813.⁷⁹ The survivors made their way back to the United States as best they could, but were pursued by cavalry under Elisondo, second in command of the royalists, who cut down all the Mexicans he encountered but was singularly lenient to the

⁷⁴ Yoakum, *op. cit.*, I, 166-168.

⁷⁵ *Ibid.*, I, 169-170.

⁷⁶ *Moniteur de la Louisiane*, February 16, 1813.

⁷⁷ Bancroft, *op. cit.*, II, 25.

⁷⁸ *Lamar Papers*, I, 17-19.

⁷⁹ Yoakum, *op. cit.*, I, 175-176.

Americans. Why he should act towards these in this way is not understandable, for if anyone was culpable and unworthy of sympathy it was these adventurers whose main motive had been the plundering of the Spanish dominions. Niles reported that these even received provisions and were liberated simply with an admonition never to take up arms again against the royalist cause.⁸⁰ But of the fugitives who daily arrived in Louisiana, the greater part remained on the frontier, partly because they were in such distress that they could proceed no further but also because they had no intention of taking the advice of Elisondo and instead were only recuperating before engaging in another such adventure. Toledo though wounded made his way back to Natchitoches where he spent some time and then set up his headquarters on the left bank of the Sabine with the idea of recruiting followers from the Neutral Ground which once more took on its old appearance.⁸¹

With Toledo was John H. Robinson who formerly had been a physician near Natchez and who as a member of Zebulon M. Pike's expedition to the headwaters of the Red river in 1807 had been made prisoner by Salcedo and sent south into Mexico.⁸² In 1812 he was appointed by Monroe to discuss with Salcedo promotion of Texas-United States trade and the pacification of the Neutral Ground. The choice of Robinson is inexplicable, for never was there an envoy with more reasons for being *persona non grata*. Having run afoul of Salcedo before, and of a bombastic and tactless temperament, Robinson was already regarded by the royalists as a spy. Arriving in Texas on the heels of the Gutierrez expedition he mingled freely with its members and was suspected of spreading propaganda in its favor.⁸³ His interview with Salcedo was unproductive, as might have been expected, but on his way back he became an avowed convert to Mexican independence and took upon himself to be the emissary of the patriot congress to the United States. Because of his close association with members of the Gutierrez adventure and because of his subsequent activity he is often considered as having taken part in it, but this is incorrect for he became a filibuster only in 1813.

The defeat of the Patriots at the Battle of the Medina had been conclusive and by March of 1814 everything was quiet in

⁸⁰ *Niles' Register*, V, 152, (October 30, 1813.)

⁸¹ Bancroft, *op. cit.*, II, 31.

⁸² Cox, *loc. cit.*, I, 208-209.

⁸³ *Ibid.*, I, 212-213.

Texas.⁸⁴ However, undaunted by this failure, Toledo and Robinson both engaged in setting afoot another enterprise and, though they were mutually suspicious and jealous of each other, their community of interest forced them to appear friendly.⁸⁵ While both these men were most of the time in the neighborhood of Natchitoches there is record of their coming to New Orleans on several occasions. Gutierrez was also there, but living rather quietly, having no funds and still under the shadow of his recent discomfiture. But in 1814 New Orleans was no safe place for revolutionary agents, for the first enterprise of this sort had forced the authorities to realize their responsibilities and flagrant violation of the neutrality of the United States was not tolerated.⁸⁶ Nevertheless, intrigue was carried on and the story of the winter of 1814-15 is one of preparation, with perhaps more activity than ever before engaged in by a greater number of people, but so concealed that even the Spanish spies with which the city abounded were unable to uncover the plotters.

Among the new names encountered are those of Juan Mariano Picornell, a refugee from Caracas, who as a colleague of Toledo had attempted to exert pressure on Congress and had later gone to Texas, and Ellis P. Bean, an American in the service of the Mexicans. Picornell while in Philadelphia had "enjoyed the friendship and sympathy of Ira Allen, the brother of the redoubtable Vermont leader", and had counted on this connection to influence the administration, but failing in this he proceeded to New Orleans where his presence is mentioned in official Spanish documents.⁸⁷ Bean, the account of whose experiences reads like a romantic adventure, had been a member of the ill-fated Philip Nolan expedition of 1800. Captured by the Spaniards he had been a prisoner for nine years when the progress of the revolution forced the Royalists to empty the jails to obtain recruits. Bean deserted at the first opportunity, joined Morelos, by his ability rose to the rank of colonel, and was sent on a mission to the United States in the latter part of 1814. Taking passage at Nautla in one of Lafitte's ships he reached New Orleans in September and remained there for at least five months. Besides engaging in revolutionary propaganda, he commanded a gun of the Baratarian contingent

⁸⁴ Bancroft, *op. cit.*, II, 32.

⁸⁵ Everett S. Brown, editor, "Letters from Louisiana, 1813-1814", in *Mississippi Valley Historical Review*, (March, 1925), XI, 573.

⁸⁶ Gayarré, *op. cit.*, IV, 319.

⁸⁷ Côté, *loc. cit.*, I, 205-206.

in the battle of New Orleans, and according to Yoakum, it was through Bean, who was an old acquaintance of Jackson, that the general learned of the valuable assistance rendered by the pirates, which later earned them their pardon.⁸⁸ An unusual character, one of the few Americans to have penetrated and seen much of interior Mexico, Bean was popular, looked upon as a victim of Spanish cruelty, and admired for his dash.⁸⁹ He wrote for *L'Ami des Lois*, October 25, 1814, an account of the Nolan expedition,⁹⁰ and is supposed to have furnished Laffite with a commission, later confirmed by the Mexican Congress, to cruise against the enemies of the Republic.⁹¹

Another individual whose story sounds like fiction, was William Davis Robinson, an American merchant who, in March, 1816, embarked at New Orleans on the United States brig *Saranac* bound for a cruise in the Gulf of Mexico. When applying for passage he stated to the naval commander that he wished to be landed on the Mexican coast for the purpose of having an interview with some of the Mexican authorities on whom he had drafts for a large amount of money due certain merchants of the United States. On April 4, 1816, he landed at Boquilla de Piedra, a port in the hands of the revolutionists. General Victoria, who commanded the patriots, advised him that no money was on hand but that if he waited a few weeks funds would be available. Robinson decided to wait, but he soon found that the representations made to him at New Orleans by the Mexican minister, Herrera, and by Don Alvarez Toledo, were without foundation, and that indeed he had been deceived with regard to the condition of the insurgents. Unable to collect the debt, he remained in Mexico and there met Dr. John Hamilton Robinson, the adventurer. In September, 1816, he happened to be in a small village which was surprised and captured by the Royalists. Escaping into the woods, Robinson intended making his way back to the Rebels, but losing his way he was forced to give himself up to the Spaniards who concluded that the famous brigand of the same name had fallen into their hands. It was not until 1819 that he again gained his freedom.⁹² Robinson had had

⁸⁸ Yoakum, *op. cit.*, I, 191-192.

⁸⁹ For Bean's fascinating adventures consult Yoakum, who made use of Bean's Manuscript and certain of his letters, and around whose career he built much of the earlier history of Texas.

⁹⁰ James E. Winston, "New Orleans and the Texas Revolution", in *Louisiana Historical Quarterly*, X, 318.

⁹¹ Yoakum, *op. cit.*, I, 192.

⁹² William Davis Robinson, *Memoirs of the Mexican Revolution Including a Narrative of the Expedition of General Xavier Mina*, (Philadelphia, 1820). All information in above paragraph in the Introduction.

years of experience in trading with the Spanish colonies, and seeing the possibilities he had come to New Orleans and become one of those merchants supplying arms to the Patriots.

Gutierrez, whom we had left in New Orleans, was in the meantime busy with plans for another invasion. Upon his arrival there in April, 1814, he was approached by the restless spirits of the place who proposed that he organize the required force and this he did "with the utmost secrecy, as this was the only way to succeed."⁹³ The collecting of a treasury, however, was another matter for "some of the subscribers had difficulty in selling property to complete the amount they had promised,"⁹⁴ and as time passed enthusiasm diminished. Finally the accumulation of "contrary happenings", chief of which was "the invasion of this city by the British army," precluded a favorable outcome. During that winter Gutierrez took to diplomatic dabbling which for its naiveté almost evokes sympathy. He appointed an agent to Petion of Hayti "in order to obtain some troops from him to be transported in his vessels to the Port of Matagorda and also to make a small loan of eighty or one hundred thousand pesos with which to send the troops who are at my command here."⁹⁵ Petion's reply was cordial in the extreme and enthusiastically in favor of the Mexican cause, but of assistance not a word was mentioned. Later Gutierrez sent another agent to "General Durand, Admiral of the Island of Guadeloupe", and childishly announced that the cause was obtaining international recognition. Negotiating with a British agent in Jamaica he was advised by that individual that England, in reality sympathetic, had been obliged by the Anglo-Spanish alliance against Napoleon to disavow any interest in Latin American independence, but that should "I go to London in person, it would greatly strengthen the intentions of his Government."⁹⁶ How sincerely he believed in his ability to persuade the British government by his presence may be gathered from the fact that he went so far as procuring passage but didn't embark, for "spies of the Spanish consul accused the boat of having gone to Jamaica to treat with the English who were at war with the United States. They immediately proceeded to examine the boat and unfortunately found some English goods, whereupon the boat was confiscated."⁹⁷

⁹³ *Lamar Papers*, I, 22-23.

⁹⁴ *Ibid.*, I, 23.

⁹⁵ *Ibid.*, I, 23.

⁹⁶ *Ibid.*, I, 23-24.

⁹⁷ *Ibid.*, I, 24.

But weathering the unpropitious time of the invasion of Louisiana by the British, his schemes were greatly facilitated by the demobilization of Jackson's forces, for as soon as the Treaty of Ghent became known, there were numbers of men who, accustomed to warfare, found themselves stranded and bored by the inactivity of peace. These, seeking an outlet for their belligerent tastes, requested Gutierrez to be their leader in an attack upon Spain. However, their first proposal was to attack Pensacola for they contended that by doing so they could obtain possession of "twenty thousand guns, powder, provisions, vessels, sailors, and many troops which would join." To obtain the money necessary for the subsequent deliverance of Mexico, Florida could be sold to the United States.⁹⁸ Gutierrez showed rare sagacity in rejecting this plan, for he asserted that if such a project should be carried out the United States would declare the capture illegal, occupy the region, and imprison all concerned. General Humbert, of whom we shall hear again, and other officers of the group, then undertook the formation of an expedition, but Gutierrez soon discovered that their intent was not the liberation of Mexico, but simply the plundering of a region where "the inhabitants are rich and indolent—gaming their principal occupation. Living is cheap—board at four dollars per month and a servant at five dollars."⁹⁹ Disillusioned by their attempt to use him as their tool, he abandoned them after denouncing their depraved scheme. What few idealistic followers stood by him were soon compelled to return to their lands because of the drouth.¹⁰⁰

For data as to Gutierrez's activity in New Orleans we are forced to rely almost entirely on his letters. This is unfortunate in view of their inaccuracy and the necessity of always questioning dates and other detailed information. Biased as he naturally would be, it is difficult to tell whether he was the dupe of unscrupulous and selfish individuals, or whether his apparent idealism and simplicity was genuine and not feigned to excuse his lack of success. Whatever may be the case, however, following the failure of this last attempt, Gutierrez fades away as a figure of importance, and nothing much is heard of him after the summer of 1815.

But while the impecunious Gutierrez was in New Orleans dreaming of military and diplomatic glory as leader of an army

⁹⁸ *Ibid.*, I, 26.

⁹⁹ *L'Ami des Lois*, June 12, 1813.

¹⁰⁰ *Lamar Papers*, I, 28.

for the liberation of his native land, Robinson and Toledo were in the vicinity of Natchitoches contemplating each other from camps fifty miles apart, for their jealousy had developed into an open breach and their followers, disorganized and disorderly, maintained themselves by preying upon the inhabitants of the region.¹⁰¹

Robinson, perhaps because of the unpromising outlook, seems to have soon tired of filibustering and retired to Mississippi where he died in 1819.¹⁰² But not so Toledo, for in the fall of 1814 he visited New Orleans and was promptly "arrested and recognized to answer at the succeeding term of the federal court to a charge of setting on foot within the territory of the United States a military expedition or enterprise," but "six months having passed and no testimony whatever appearing against him, his recognition was delivered up."¹⁰³ Again in 1815 Toledo, together with Julius Caesar Amazoni, Vincent Gambie, John Robinson, Romain Very, Pierre Soemeson, and Bernard Bourdin, was indicted for violation of the neutrality of the United States,¹⁰⁴ and we have further proofs of his activity there in that year from the numerous protests of DeOnis, Spanish Minister, addressed to the Secretary of State, James Monroe.¹⁰⁵ Diplomatic relations between the United States and Spain having been re-established, among the most important tasks confronting the Spanish minister, and one which required immediate attention, was that of preventing these incursions. The correspondence between DeOnis and Monroe is a fruitful source of information but must be carefully weighed, as it presents two extreme viewpoints. DeOnis' representations regarding the incendiary activities in New Orleans were based on reports of the Spanish consul there, and their tone is such as would lead one to believe that all the chicanery that went on was in the city proper under the very noses of the authorities. On December 30, 1815, he wrote that Manuel Herrera had just arrived in New Orleans "with the appointment (as he says) of minister of the self-styled Mexican Congress" and had "delivered to Toledo fifteen hundred commissions in blank,"¹⁰⁶ and on February 22, 1816, he submitted to Monroe copies of three intercepted letters from Toledo "which have been officially sent to me and prove beyond a doubt that

¹⁰¹ Brown, "Letters from Louisiana", *loc. cit.*, XI, 579.

¹⁰² *Niles' Register*, XVII, 208, (November 27, 1819.)

¹⁰³ *American State Papers, Foreign Relations*, IV, 431.

¹⁰⁴ *Ibid.*, IV, 432.

¹⁰⁵ *Ibid.*, IV, 422-432, *passim*.

¹⁰⁶ *Ibid.*, IV, 423.

Toledo had armed in New Orleans three vessels in which he carried arms and munitions of war to give support to the insurrection."¹⁰⁷

Toledo must have possessed a dynamic personality, for he and Humbert had "succeeded in raising a small force, together with supplies and provisions which they transported to El Puente del Rey between Vera Cruz and Jalapa,"¹⁰⁸ and he had collaborated with Perry (of whose project we shall next take account) in recruiting men and supplies, until forced to desist when indicted. It is astonishing, therefore, to learn of his subsequent career for it appears that, hearing of the arrival of General Xavier Mina in Baltimore, Toledo proceeded from New Orleans by sea, arrived in Alexandria, Virginia, in August, 1816,¹⁰⁹ and then went to Baltimore. There was much conjecture as to his reasons for leaving New Orleans and the significance of his presence near the seat of government.¹¹⁰ He undoubtedly saw Mina, and together they planned an attack on Florida, but just then something happened for Toledo turned traitor, accepted a commission in the Royal Navy, and later became Spanish Minister to Naples.

It is difficult to fathom Toledo's character. Gutierrez and H. A. Bullard¹¹¹ believed him a spy whose patriotic zeal was simulated only in order to penetrate the inner councils of the Republicans to betray and defeat their efforts. In support of this view is the contention that Toledo joined Mina merely to find out that general's destination and then transmitted that information to DeOnis, thereby forcing Mina to change his original plan and instead go to Galveston.¹¹² But there are stronger reasons to believe that he was what he seemed, among which are his work for the patriotic cause in Philadelphia in 1812, his reorganization of the forces following Gutierrez's flight, and above all the fact that DeOnis repeatedly denounced his activities in Louisiana during 1815.

Perry, undeterred by the Medina fiasco, was, in the summer of 1814, gathering followers in New Orleans and in the vicinity of Natchez and had announced in the New Orleans papers that the

¹⁰⁷ *Ibid.*, IV, 428.

¹⁰⁸ Yoakum, *op. cit.*, I, 178.

¹⁰⁹ *Niles' Register*, X, 416, (August 17, 1816.)

¹¹⁰ *Louisiana Gazette*, September 11, 1816.

¹¹¹ Bullard was born in Massachusetts, received his B. A. from Harvard, 1807, joined Toledo in Philadelphia and went with him to Texas, became his aide de camp and secretary. Later served in Congress as Representative from Louisiana and as a justice of the Supreme Court of that State. He wrote a scathing denunciation of Toledo, in *Louisiana Gazette*, February 10, 1817.

¹¹² Yoakum, *op. cit.*, I, 182.

rendezvous would be Belle Isle, near the mouth of the Atchafalaya.¹¹³ Destined to proceed by sea to Matamoras,¹¹⁴ and financed by merchants of the Crescent City,¹¹⁵ the undertaking was somewhat thwarted by the vigilance of the United States officials who, spurred on by Madison's proclamation of September 1, 1815, seized "a large quantity of arms" which were "detained at the custom house for several months."¹¹⁶ In addition, "Commodore Patterson, commanding officer on this station, instructed the officers under his command, cruising in the neighborhood of the suspected place of rendezvous to ascertain the truth of the rumors in circulation, and if verified to use the force under their respective commands in dispersing the persons assembled."¹¹⁷ Nevertheless, Perry, with a few followers, was able to elude these, and proceeding by way of the Attakapas country, they gathered together some miles west of the Sabine. However, Matagorda was never reached for, wrecked by contrary winds, they were forced to establish themselves at Point Bolivar,¹¹⁸ where they led a rather desultory existence until the arrival at Galveston of Aury and Mina. What supplies were obtained reached them from New Orleans, with which place they carried on an intermittent commerce and from which they received such reinforcements as their agents who had been left there could induce to come. To get such as these, reports appeared in the newspapers stating that the adventurers were meeting with complete success and that great opportunities awaited all who came.

Here, however, we must pick up the story of Mina and Aury, whose project, though a failure, was by far the best equipped. In 1816 there appeared on the Texas scene General Aury, a Frenchman who on the outbreak of the revolution had joined the Colombian navy and had earned great distinction by sailing through the Spanish fleet carrying great numbers of refugees from besieged Carthagená, which was then about to succumb to Morillo.¹¹⁹ Having sought refuge in Hayti, in the summer of 1816 he set sail from Aux Cayes with a squadron of several ships, manned in great part by men who had formerly formed part of the Baratarian brotherhood. In July this fleet appeared off the mouth of the

¹¹³ *Niles' Register*, IX, 33, (September 16, 1815.)

¹¹⁴ *Ibid.*

¹¹⁵ *Lamar Papers*, I, 28.

¹¹⁶ *American State Papers, Foreign Relations*, IV, 431.

¹¹⁷ *Ibid.*

¹¹⁸ Yoakum, *op. cit.*, I, 184.

¹¹⁹ *Ibid.*, I, 181.

Mississippi and stopped at the Balize awhile to water.¹²⁰ None of the ships came to New Orleans, but the appearance of so many vessels under strange colors caused rumors of all sorts to circulate in that city until it was found out that their destination was the Texan coast.¹²¹ It appears that Herrera¹²² had at some previous time found out that Galveston Bay was uninhabited and concluded that it would offer an excellent base of operation. Communicating with Aury, he commissioned him commander of the armed forces and together, on September 12, 1816, they established a government announced to the world by a proclamation "attested by a Frenchman, by the name of Morin, very recently a bankrupt auctioneer in New Orleans."¹²³ The sole authority for such a government was the plenipotentiary powers which Herrera felt had been vested in him by the Mexican Congress, but nevertheless a court of admiralty was set up with John Ducoing as judge, and Richard Espagnol, formerly of New Orleans, as notary public.¹²⁴ Perry, across the bay, immediately communicated with his new neighbors and the settlement was joined by Frenchmen and Italians who had "been hanging loose upon society in and about New Orleans."¹²⁵

On November 24, 1816, Mina arrived at Galveston. He was at this time quite prominent, for he had earned the reputation of a trained soldier through his experience in fighting the French in the Peninsula and that of foe to Bourbon reactionism by the liberal views which he had expressed and which had forced him to leave Spain.¹²⁶ Following the upset of his plans by Toledo's treachery, Mina had decided to direct himself towards Mexico and with that in view, while still in Baltimore, he had sent Dr. Mier on a mission to General Victoria, but that gentleman being rather timid, was frightened by stormy weather in the Gulf, so put into New Orleans where he stayed until news reached him of Mina's arrival at Galveston.¹²⁷ For several months the three leaders prospered from the plunder of Spanish cargoes, a business which wiped Spanish shipping from the sea. In February, 1817, Mina in company of

¹²⁰ *L'Ami des Lois*, July 30, 1816.

¹²¹ *Ibid.*, August 5, 1816.

¹²² Jose Manuel Herrera in 1815 was appointed by the Mexican Congress as envoy to the United States. In 1816 he reached New Orleans where he associated with pirates to whom he gave letters of marque. He was never officially recognized.

¹²³ *Congressional Debates*, 15 Cong., 1 Sess., Appendix, 1790.

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

¹²⁶ *Louisiana Gazette*, February 25, 1817.

¹²⁷ Robinson, *op. cit.*, 62.

Colonel Young, came to New Orleans and there remained a few days interviewing men interested in his project and purchasing two ships, the *Cleopatra* and the *Neptune*.¹²⁸ Herrera also returned about this time to resume his "diplomatic" functions.

Since this privateering phase and the method in which loot was disposed of in the United States are discussed in another chapter, to prevent duplication it will suffice to say that sea adventures occupied their attention until the fatal weakness of all expeditions with a plurality of headship became apparent. Mina and Perry were principally interested in liberating Mexico, while Aury was satisfied with occupying Galveston and carrying on as they were, so it was not long before each went his way.¹²⁹ The settlement on the island was demolished and abandoned and the expedition embarked for Soto la Marina, at which place Aury left Mina and Perry, sailed back to Matagorda, stayed there a short time, and then going back to Galveston and finding it occupied by Laffite, he returned to New Orleans and married a rich widow.¹³⁰ Mina, after first meeting with some slight success, was ambushed, his force cut to pieces, and he was executed before a firing squad.¹³¹ Perry, who had deserted him at Soto la Marina, while trying to work his way back to Texas also fell in with a Spanish force and every man of his command including himself perished.¹³²

The years 1815-1817 were those of greatest activity in launching from the United States enterprises for the liberation of Spanish America, and we might consider the Mina-Aury-Perry expedition the high-water mark of the decade, for many of its members were trained soldiers instead of the usual leaderless riff-raff. Mina's background and character lent respectability, and what was more important he arrived in America well supplied with money and had at his disposal a fleet. This last factor facilitated his communication with New Orleans and enabled the Republican agents there to forward to him the necessary supplies with greater ease than by the long overland journey, for by using the labyrinthian waterways of the Gulf coast there was less chance of interference by the authorities.

¹²⁸ J. H. Brown, *History of Texas from 1685 to 1892*, (2 vols., St. Louis, 1892), I, 66.

¹²⁹ Yoakum, *op. cit.*, I, 185-186.

¹³⁰ *Ibid.*, I, 194. From Texas Aury sailed to Amelia Island where he established a pirate base.

¹³¹ Herbert Ingram Priestley, *The Mexican Nation, A History*, (New York, 1926), 243-244.

¹³² Coopwood, "La Bahia del Espiritu Santo", *loc. cit.*, II, 168.

It is convenient here to discuss some people who labelled themselves Mexican envoys and who led a very shadowy life in New Orleans. None of these so-called ministers was ever able to get to Washington, and it is almost impossible to say exactly when they were in the city or how long they stayed. Whatever information we have is gleaned from here and there—sometimes a news item, sometimes letters—but all rather indefinite and many directly contradictory in their estimate of what these men accomplished. Mexico's industrial backwardness made it imperative for the patriots to obtain outside assistance, especially in procuring munitions of war. Logically these things were to be sought in the United States, for the sympathy existing there for liberal causes suggested that supplies could be procured, even if open assistance was barred. This idea of friendliness to their cause was even furthered by the arrival in 1814 of General Humbert who "claimed to be an agent of the Northern Republic."¹³³ Juan Pablo y Anaya was delegated to return with him to the United States, but, arriving in New Orleans, he discovered that Humbert was merely an individual of colorful, though questionable reputation, having no official standing whatever.¹³⁴ While there, Anaya joined Toledo in planning an attack against Tampico which came to naught,¹³⁵ and also served with distinction in the battle of New Orleans, being commended in Jackson's dispatches.¹³⁶ He was handicapped by having only the commission of agent, diplomatic rank being withheld from him through local politics in Mexico.¹³⁷ He also seems to have been betrayed by his travelling companion, Father Pedroza, "who revealed his plans to the Spanish consul",¹³⁸ and we have further intimation of his difficulties from a letter which he wrote to President James Monroe from New Orleans, March 18, 1815, announcing that it was impossible to reach Washington and that as his money had run out he was returning home but leaving a Mr. Leclerk in charge of affairs.¹³⁹ Bancroft states that on his return to Mexico he brought along with him John Robinson.

¹³³ Bancroft, *History of Mexico*, IV, 605.

¹³⁴ Humbert had been a general in the French army but discrediting himself with Napoleon he was forced into exile. Coming to New Orleans and inclined to anything which suggested adventure, he fraternized with the Barabarians. Living mostly on his past reputation he became a local character. He earned some acclaim by the part he took in the battle of New Orleans, but after 1815 he was chiefly interested in filibustering projects.

¹³⁵ Bancroft, *Mexico*, IV, 605.

¹³⁶ Gayarré, *op. cit.*, IV, 505.

¹³⁷ Bancroft, *Mexico*, IV, 605. "Rosains on his side checked the project to appoint Anaya a minister and empower him to seek a loan of six millions."

¹³⁸ Bancroft, *Mexico*, IV, 605.

¹³⁹ Manning, *op. cit.*, III, 1594-1595.

Perhaps the agent who was in New Orleans longest was Jose Manuel de Herrera who was appointed in 1815 by the Mexican Congress as minister to the United States "on the strength of Toledo's representations that aid could be obtained in the Northern United States."¹⁴⁰ Setting out from Vera Cruz, he reached New Orleans and remained there several months but did "little or nothing save to arrange with pirates for delivery of arms, and even this brought hardly any results, owing to royalist precautions and neglect to provide funds."¹⁴¹ Robinson, who was personally acquainted with him, stated: "Herrera was a priest grave in his manners; but he possessed very little knowledge of the world and consequently was easily imposed on. During his stay in New Orleans he rendered no effectual service to the Mexican cause except by some trifling shipments of arms and munitions of war which he sent to General Victoria."¹⁴² We know of his gathering some men and going to Galveston with Aury,¹⁴³ and of his return to New Orleans where he carried on correspondence with both Aury and Laffite. On March 1, 1816, he wrote Madison stating, in much the same vein as his predecessor, that so many obstacles had been thrown in his way that he was unable to go to Washington and that, as he was returning to Mexico, William Robinson was intrusted with delivering this communication.¹⁴⁴ Herrera later became Secretary of State, and in 1823 he is found in that capacity writing to the United States government.

Tadeo Ortiz de Alaya was another of these Mexicans who, however, neither had nor claimed to have a commission from the Republican Congress. He had left Mexico City in 1810 to study in Europe but when the revolution broke out under Hidalgo, being denied permission by Spain to return to Mexico, he sailed secretly for the United States with the intention of reaching his native land through Texas. Hidalgo's death forced him to stay in New Orleans, to which city he had repaired after spending some time in Washington. While there he lost no time sending information to Morelos and Rayon, and he advised the Republicans to establish a seaport so that supplies could reach them from the United States. He emphasized the importance of this, no doubt seeing how diffi-

¹⁴⁰ Bancroft, *Mexico*, IV, 605.

¹⁴¹ *Ibid.*

¹⁴² Robinson, *op. cit.*, 62.

¹⁴³ *American State Papers, Foreign Relations*, IV, 134-135.

¹⁴⁴ Manning, *op. cit.*, III, 1598-1599. This would indicate that the Spaniards were not wrong in accusing Wm. Robinson of being in connivance with the Patriots and that his long imprisonment was not totally unjustified.

cult it was otherwise to furnish them the arms. "He remained in New Orleans several years, giving aid and advice to the revolutionary agents who were sent to that city. The Spanish consul at New Orleans though ever on the alert to discover plots against the royalists, seems not to have realized what Ortiz was accomplishing. In speaking of him he declared that he was a young fellow without sense, spelling, or punctuation and that he did not seem informed as to events in New Spain, or to be in communication with Morelos."¹⁴⁵ "In 1822 upon the establishment of independence he hurried to Mexico to present a plan for the introduction of colonists in Texas. In 1823 he was given authority to settle families from the Antilles and from New Orleans."¹⁴⁶

The few men discussed are the only ones who were ever mentioned by name and the information on them is negligible. Though they had no special gift for diplomacy, they at least served to agitate public opinion and never allowed the royalists to slacken their watchfulness. Often in New Orleans they discredited the patriot cause, but this had slight influence on that group who supported their efforts. There were two classes of such men; those who participated in these expeditions through their love of adventure, and to whom fighting for Hispanic American independence sounded only just a bit better than just fighting; and those who were making money from this warfare, and what was right or wrong had little to do with the matter and did not deter them in the least from continuing this business. The best summary and shrewdest analysis of what these agents accomplished, however, was voiced by United States Attorney Dick when he stated:

The enlisting of men and the preparing of enterprises, or the means for enterprises, of the kind spoken of cannot be accomplished without means, or be carried on in the midst of a populous city in solitude and silence. Yet it is known, in the first place, that neither Mr. Toledo nor Mr. Herrera had or have pecuniary means for such purposes; and, in the second so far as negative proofs can go, or so far as the absence of one thing implies another, it is most certain that no enlistments have taken place here.¹⁴⁷

The striking thing about studying these activities in New Orleans is that in nearly all accounts there is mention of the

¹⁴⁵ Edith Louise Kelley and Mattie Austin Hatcher, "Tadeo Ortiz de Ayala and the Colonization of Texas", in *Southwestern Historical Quarterly*, XXIII, 74-75, (October, 1928).

¹⁴⁶ *Ibid.*, XXIII, 75.

¹⁴⁷ *American State Papers, Foreign Relations*, IV, 431-432.

"disturbed state of the territory," "the network of espionage and armed resistance against Spain", and "the intrigue which goes on in this city." Not only is this found in general works dealing with New Orleans at this period, but the newspapers every now and then refer to the enormous amount of conspiracy against "His Catholic Majesty", and the records of these activities can also be traced in diplomatic correspondence, debates in Congress, the President's messages, and the Governor's messages. In the face of so much testimony to the effect that New Orleans swarmed with plotters of all sorts, it is confusing to discover throughout the whole period the names of but a handful of men who acted in that capacity. How to reconcile these seemingly paradoxical facts is certainly difficult, but the several possible reasons are discussed below.

In the first place local newspapers, which logically would seem the best source, were singularly barren of this sort of information and when such accounts did appear they were in rather general and vague terms, the names of the persons involved being withheld. On the other hand newspapers of other cities, when they printed news of disturbances in the southwest, always labelled it as "having recently come from New Orleans" and in that way by implication furthered the current impression that this city was the center of all such doings. As an example of this, *Niles' Register*, in May, 1817, reported that Diego Morphy, Spanish consul in New Orleans, had been publicly caned by a "Mexican officer who immediately after made his escape."¹⁴⁸ In June another item appears in the same periodical as follows:

Diego Morphy vice consul of Spain at New Orleans notifies the public that being fully convinced that in this city that protection is not granted to him which is due him, not only in his quality of a public officer but also as an individual, he sees himself with regret under the necessity of ceasing his consular functions until justice is done him and he shall have received orders from his government.¹⁴⁹

The incident was closed a few days later when Morphy was summoned before Judge Lewis charged with disrespect to the nation and asked to explain his statement. "Given a day to consider, Morphy declared he had meant no disrespect to the government of the United States and was discharged."¹⁵⁰ It would seem

¹⁴⁸ *Niles' Register*, XII, 224, (May 31, 1817.)

¹⁴⁹ *Ibid.*, XII, 239, (June 7, 1817.)

¹⁵⁰ *Ibid.*, XII, 272, (June 21, 1817.)

that an incident so out of the ordinary would be given much space in the New Orleans papers, that the name of the Mexican officer and the provocation for such an assault would be mentioned, but on the contrary no further information can be found than that given in *Niles' Register*. Furthermore, all this news was obtained principally by transcription from other papers or by hearsay from persons recently arrived from New Orleans. Adapted to the viewpoint of the editor, it was usually dressed up to make better reading, greatly exaggerated, and the names of the persons involved omitted.

Secondly, the principal American sources contain few details relative to the surreptitious activities in New Orleans. The United States, as a government and as a people, was not particularly concerned with these agents except insofar as they affected the peace of the community and security of American property. On the contrary greater energies were bent on clarifying the Florida situation and the western boundary than in discussing fine points of what constituted a breach of friendship, and Monroe, as far as possible, scrupulously refrained from discussing these activities in an effort to minimize the Spanish contentions. Spain, however, was vitally concerned and one of the principal duties of Spanish consuls was keeping DeOnis informed as to the intrigues of these Republican firebrands. That minister's communications to this government consisted in great part of enumerations of what he considered violations of American neutrality, and to support his protests there were often enclosed copies of these consular reports. In addition there were frequent communiques between the consul at New Orleans and officials in Mexico and Cuba. Unfortunately none of these reports and very few of these letters presenting the Spanish aide were available. They would no doubt be exceedingly fruitful in revealing the names of persons who were suspected or known to be engaged in this business and other confidential information such as counterespionage.

Before the end of the revolutionary era and the inauguration of serious immigration into Texas under the *empresario* system there was to be one further effort to carry freedom to Mexico by use of American arms. This was the two expeditions of Doctor James Long, the first in 1819 and the second in 1821. The Florida Treaty of 1819 cast an entirely new light on the whole question of Hispanic American independence and immediately had special bearing on Texas. To most people it meant that American expan-

sion and pretensions in that direction was a closed chapter, but to a small minority of irreconcilables Texas had been a part of the United States and to them it was unthinkable ever to surrender territory which had once been claimed. This group viewed the exchanging of Texas for Florida as an economic mistake, though how they could have ever thought so at this time is hard to understand, for the whole northern part of New Spain had been reduced to a wilderness by the protracted warfare, and Texas was practically uninhabited. Nevertheless this idea of reconquest must be considered as one of the factors motivating the Long expedition, for its membership was drawn principally from that frontier element which always resented anything hindering westward expansion. Another factor was the decadent state of royal authority in New Spain, for though the country was quiet it was a quietness of exhaustion; a respite accepted under the lenient and forgiving regime of the viceroy Apodaca. Long was advised that it was "no longer necessary to exalt the heads of those young and brave Creoles, but only to lead them wisely along."¹⁵¹

Frequently these last efforts are spoken of as one because both were under command of Long, but there were two definite expeditions. The first is of less concern, for it was organized in Natchez, the home of Long,¹⁵² recruited its participants from that vicinity and proceeded via the old established route of Natchitoches and Nacogdoches. Among its members were Davenport and Gutierrez, of previous filibustering fame, and Dr. Sibley,¹⁵³ the former Indian agent at Natchitoches. Though Long does not appear to have come to New Orleans to recruit men, many of the "ruffians and riff-raff" of Louisiana attached themselves to his corps while on its way westward, and as heretofore supplies were obtained in that city and shipped up the Mississippi and Red rivers to Natchitoches. There is record of Fatio, Spanish consul at New Orleans, being informed by F. Trudeau that "several boats have gone up the river loaded with provisions" and that more than 100 men had made their way through the Attakapas country to join the main body beyond the Sabine.¹⁵⁴ Fatio seems to have

¹⁵¹ *Lamar Papers*, I, 31.

¹⁵² James Long was born in Virginia, and having studied medicine, was attached to the medical staff of Carroll's brigade. He was a favorite of General Jackson, and distinguished himself at the battle of New Orleans. Having married Jane H. Wilkinson, a niece of General Wilkinson, he retired from the army, and after trying agriculture, settled at Natchez as a merchant.—(Bancroft, *History of the North Mexican States and Texas*, II, 48.)

¹⁵³ John Sibley was appointed Indian Agent by Jefferson, became an authority on Indian languages and conditions on the frontier, and furnished valuable reports to Jefferson and Claiborne. Dismissed for political reasons in 1814, he joined Long.

¹⁵⁴ *Lamar Papers*, I, 32.

been excessively alarmed by these movements, for he wrote Apodaca, viceroy of New Spain, that: "I am fully persuaded that the present is the most serious expedition that has threatened the Kingdom since the command of the revolution, for its directors lack neither pecuniary means to effect it, nor for better organized heads than all that have conducted the previous ones."¹⁵⁵

Long reached Nacogdoches without opposition, went through the usual process of setting up a government and issuing pronunciamientos, and then entered into negotiations to enlist the aid of Laffite. The latter was cautious, explained that he had witnessed the failure of three previous efforts and was reluctant to undertake anything without a definite understanding. At one stage of the negotiations Laffite was represented by "Messrs. Davis and Lacaze, both of them lawyers of New Orleans."¹⁵⁶

But a tragic fate awaited Long's building project. While on a journey to discuss his plans personally with Laffite, his forces were attacked by the royalists and totally defeated, due to the lack of discipline and the dissipation of the commanding officer whom he had left in charge. Long hastily fled to Louisiana and made his way back to New Orleans where he spent the next few months associating with Milam and Trespalacios, two Mexican patriots who were temporarily refugees in that city. Together they concocted a scheme for another expedition, Trespalacios granting a commission in the Mexican army to Long, but himself serving as the nominal head, much as had Gutierrez. Long actually led the troops while Milam and Trespalacios, after accompanying the expedition as far as Galveston, proceeded to Mexico.¹⁵⁷

Even at this late date there must have been more activity in New Orleans than is generally supposed. In 1820 fifty-three persons were arrested by the marshall and charged with "the intention of making an irruption into Texas."¹⁵⁸ In 1821, three hundred men from that city were reported as having joined the second Long expedition,¹⁵⁹ which had as its original base New Orleans but assembled at Bolivar Point and went from there by sea to La Bahia which they easily captured. The subsequent story of the expedition is curious. Long, soon after this, was defeated and made prisoner, not by royalists, however, but by the Mexicans,

¹⁵⁵ *Ibid.*, I, 34.

¹⁵⁶ *Ibid.*

¹⁵⁷ Yoakum, *op. cit.*, I, 207.

¹⁵⁸ *Niles' Register*, XVIII, 288, (June 17, 1820.)

¹⁵⁹ *Ibid.*, XX, 383, (August 11, 1821.)

for by this time the Independence of Mexico had been achieved. The last part of Long's life is shrouded in mystery, but it seems that he was able to persuade his captors that the invasion had been planned as a stroke against the Spanish yoke, and not for the purpose of establishing in Texas an independent state under American protection. He was therefore liberated and was engaged in negotiating for a land claim when killed by a Mexican soldier with whom he seems to have quarreled.¹⁶⁰

This last expedition ended the Mexican ventures. As a vital factor in the liberation of that region they can in great measure be discounted. The material aid in the way of arms and munitions of war sent to Morelos, Rayon, and Guerrerro was negligible. The diplomatic efforts of the envoys were absolute failures, and when they organized and encouraged schemes violating the neutrality of the United States they alienated that friendly feeling which was so prevalent in the first few years. Perhaps their greatest importance was in keeping the Spanish forces in the northern provinces constantly occupied and sapping their energies by the incessant guerilla warfare. From the point of view of their effect on New Orleans they accustomed the general public to link together New Orleans and Texas so that when, later, both immigrants and adventurers went to Texas, New Orleans was their point of departure and reaped the profits connected with the settlement of new regions. They gave that city a reputation of being a turbulent place, in sympathies and interests more foreign than American. The loyalty displayed by the population on the occasion of the invasion of the British in 1814 went far to counteract the latter impression, but New Orleans continued to be looked upon as a weak spot in the defensive system of the United States. The general ill feeling prevailing between Spain and this country materially affected New Orleans, and these expeditions in a small way tended to prolong the negotiations leading to the treaty of 1819. While the wars of independence were going on the piratical establishments were lent some color of legitimacy by their letters of marque. The profits derived by certain individuals in New Orleans from the evasion of revenue laws and the slave-trading act had fostered there a sentiment favorable to the Galveston establishment and the authorities were handicapped by lack of coöperation in putting a stop to these crimes. But their activity had not gone unnoticed by the federal government, and now that trade in that quarter

¹⁶⁰ *Ibid.*, XXII, 230, (June 8, 1822.)

was developing, pressure was brought to bear by the honest merchants to have these nests of buccaneers wiped out. In the later years the Army and Navy extended their activity in the southwest to the benefit of the entire region. As an aftermath of the activities near Natchitoches and in line with this increase of attention to the western frontier Fort Jesup was constructed.

All expeditions to Texas were not of a military nature or with the idea of liberating the Mexican states. In 1818 General Lallemand at the head of a group of Frenchmen set up a colony near Galveston which he named "Le Champ D'Asile". How these men came to be there occurred in this way. Following the fall of Napoleon certain officers of the imperial army sought asylum in the United States. They were cordially treated and Congress offered them a grant of land in Alabama on condition that they would cultivate the vine and the olive, but otherwise on such favorable terms that it amounted to an outright gift.¹⁶¹ Thither they emigrated, but as the majority of the colonists were soldiers and not farmers their lack of agricultural experience coupled with the unfavorable climate caused this project to fail and the tract of land was abandoned to speculators for practically nothing.¹⁶²

But instead of giving up the idea of finding a refuge in the new world, Lallemand decided to try again in Texas, where he imagined the soil more suitable to their type of agriculture. He went to Galveston, was well received by Laffite, and proceeded to occupy the vacant hinterland of Galveston Bay. New Orleans was quick to acclaim the whole idea. Always in sympathy with anything French, and now beginning to worship at the feet of the "Napoleonic legend", the general public was delighted that soldiers of the great emperor should make an establishment so nearby. The only note of discord was voiced by the legitimate merchants of the city, who view with misgivings an augmentation of the piratical nest at Galveston. When the nature of this colony became known, however, it was better liked.

It was not surprising, therefore, that New Orleans was made the receiving depot, so to speak, for all who contemplated joining the Champ D'Asile were advised that all they must do was to present themselves at New Orleans and that from there everything

¹⁶¹ Jesse S. Reeves, "The Napoleonic Exiles in America", in *Johns Hopkins University Studies in Historical and Political Science*, XXIII, 9-10, 85.

¹⁶² William Kennedy, *Texas: The Rise, Progress, and Prospects of the Republic of Texas*, (Fort Worth, 1925), 291.

would be attended to until their arrival in Texas.¹⁶³ Among those who evailed themselves of this opportunity were numerous Frenchmen who had been refugees from Santo Domingo and who had been eking out an existence as overseers of plantations in Louisiana and South Carolina, for membership in the project was not limited to those who had formed part of the Tombigbee settlement, but was open to all Frenchmen and to persons who had served in the French army.¹⁶⁴ Second in command of the enterprise was General Rigaud, who had settled in New Orleans some time previously and had become well known there. He left New Orleans to go to Texas in 1818.¹⁶⁵ Another member of the band was the notorious Humbert, who inevitably had his finger in every pot.¹⁶⁶ Now a brokendown old man, he elicited the sympathy of all but must have been of service in outfitting the colonists at New Orleans because of his connections and experience in these matters.

Supporters of the project declared that at last a new day had dawned on Texas, that until now the potentialities of that province had never been tapped and that instead of the exploitation of selfish individuals, the resources of that land would be made available by a serious settlement and the establishment of a government of law and order based on an economic system of farming and cattle raising. But the Spanish thought differently, for Lallemand was a squatter, never having obtained permission to occupy the territory. Already DeOnis had looked with ill favor on American sympathy towards these Frenchmen. In May, 1818, he protested to John Quincy Adams, Secretary of State, that the French expedition which was supposedly destined for the Tombigbee, was instead going to Texas, making New Orleans their headquarters and trickling from there to Galveston, thereby eluding the Act of 1817 forbidding filibustering expeditions. He further asserted that the United States should exercise less sympathy and more vigor for the interests of Spain, for this enterprise was nothing more than a scheme of Joseph Bonaparte to carve out an empire for himself in America.¹⁶⁷

¹⁶³ Louis F. L'Heritier, *Le Champ D'Asile, Tableau Topographique et Historique du Texas*, (Paris, 1819), 194.

¹⁶⁴ *Ibid.*, 47-49.

¹⁶⁵ *Ibid.*, 194.

¹⁶⁶ *Ibid.*, 196-197.

¹⁶⁷ Manning, *op. cit.*, III, 1866. France was in the throes of the Bourbon reaction against Napoleon and Hyde de Neville, French minister at Washington, was as concerned as De Onis about the establishment of a Bonaparte state in America. He also advanced the thesis that Lallemand's scheme had this as its basis.

It wasn't long, therefore, until a Spanish force was dispatched from San Antonio against the Camp D'Asile and that settlement destroyed.¹⁶⁸ Many of its members came to New Orleans, being aided to return there by Humbert who furnished them with transportation.¹⁶⁹ In the meantime a fund had been collected in France for the benefit of these refugees and now that the Champ D'Asile was dissolved the problem was how to dispose of the money. The trustees of the fund decided to distribute among those who had formed part of the establishment the money that had been raised. With this in view they resolved:

That James Villere, esq. governor of the state of Louisiana, would be requested to appoint a committee of five members, among the most honorable citizens of New Orleans with whom Mr. Destrehan had promised to confer.

That that committee should procure a correct list of the French refugees who had united in the province of Texas with a view to form there a colonial establishment; that the newspaper having the greatest circulation in the state of Louisiana and the other parts of the United States, should announce the formation of the committee, inviting the persons interested to send in their claim and titles.

That the distribution of the sums should be regulated according to the grades, wants and situation of the refugees.¹⁷⁰

The *Louisiana Courier* of June 9, 1820, announced that the committee, which was composed of James Villere, Destrehan, F. X. Martin, R. J. Ducros, Moreau Lislet and Z. Cavalier, had met and decided that as it could not determine the rank in France of the persons who had been members of the Champ D'Asile it could not distribute the money as had been recommended. Instead they would divide the funds equally regardless of rank.

And whereas, General Humbert and Mr. Lessard have been particularly recommended to the committee by several persons, among others by General Lallemand, the former for having rendered essential services to the refugees by furnishing them means of conveyance to New Orleans, and the latter for having been left at New Orleans to be more useful to the establishment of Champ D'Asile to which he belonged, by sending the necessary supplies which the establishment stood in need of, the committee resolve that the said two persons shall be entitled to one share each in the distribution of the money.¹⁷¹

¹⁶⁸ *Niles' Register*, XV, 200, (November 14, 1818.)

¹⁶⁹ *Louisiana Courier*, June 9, 1820.

¹⁷⁰ *Ibid.*, May 19, 1820.

¹⁷¹ *Ibid.*, June 9, 1820.

New Orleans also played a part in the settlement of Texas by Stephen Austin. While Moses Austin was in Mexico City encountering all sorts of difficulties in having his contract for the introduction of American families into Texas ratified, his son Stephen was in New Orleans working for a newspaper. Stephen had made a trading voyage to New Orleans in 1810, and had friends there, the most influential being Joseph Hawkins, his classmate at Transylvania college.¹⁷² Following the collapse of the Austin fortunes, he had come to New Orleans to earn a living while his father endeavored to recoup the family finances, as had been done once before, by moving to virgin territory. Receiving information that Moses had succeeded in having his claim confirmed, he set out in June, 1821, from New Orleans for Texas, taking along with him a party of men interested in exploring the western country.¹⁷³ The older Austin's death while enroute back to the United States threw on the son the whole responsibility of carrying the project to completion. Stephen undertook it immediately, went to San Antonio to confer with the governor of Texas, and was back in New Orleans in the latter part of the same year advertising in the newspapers for colonists.¹⁷⁴ As he had little money, he arranged to have his friend Hawkins finance the purchase of the schooner *Lively* in return for which Hawkins was given a share of land.¹⁷⁵ Austin proceeded with the main body by the long roundabout way up the Mississippi and the Red rivers and via Natchitoches. The *Lively* was to meet them at the mouth of the Colorado river and was to carry in addition to some immigrants, all the tools and implements necessary and cottonseed, for cotton culture was to be the basis of prosperity. A certain Lewis, a member of the group which went aboard the *Lively*, left a good account of this expedition.¹⁷⁶ The *Lively* it seems left Bayou St. John in New Orleans, proceeded by way of the Rigolets, but instead of going to the mouth of the Colorado as had been agreed, the captain of the vessel put in at the Brazos river and there built a stockade. This inexplicable move on the part of the *Lively's* skipper has never been satisfactorily explained, but whatever the reason it caused both groups to

¹⁷² Louis J. Wortham, *A History of Texas From Wilderness to Commonwealth*, (5 vols., Fort Worth, 1924). I, 74-75.

¹⁷³ Eugene C. Barker, *Life of Stephen F. Austin, Founder of Texas, 1793-1836*. (Nashville, 1925), 32-33.

¹⁷⁴ Yoakum, *op. cit.*, I, 212.

¹⁷⁵ Wortham, *op. cit.*, I, 94-95.

¹⁷⁶ W. S. Lewis, "The Adventures of the *Lively* Immigrants", in *Texas State Historical Association Quarterly*, III, 1-23, (July, 1899.) This manuscript gives a good account of who composed the *Lively* expedition, the character of its commander, the cargo carried, and something about New Orleans in those days.

endure considerable hardship. Austin sought in vain for them at the appointed place and was forced to undertake the founding of the colony without the implements and seed on which he had counted so much.

CHAPTER III

PIRACY AND PRIVATEERING

The harassing of Spanish commerce, carried on from the ports of the United States by the privateers and pirates operating in the Gulf of Mexico and elsewhere, was of far greater consequence in the final overthrow of Spanish rule than were the abortive efforts of Gutierrez, Perry, Long, and others. While piracy is usually thought of as having been wiped out before the nineteenth century, such was not the case and it is interesting to note that one of its last strongholds—where it survived until a little over a hundred years ago—was the territory adjacent to New Orleans. The reasons for this are rather obvious. In the first place, it was the culmination of a system of smuggling, a practice so universal in countries under French or Spanish regimes as to cause no comment and to raise no ethical scruples. As the customs duties were for the most part prohibitive, it was simply good economy to patronize the cheaper source of supply—the smugglers—and ask no questions as to the origin of the goods or how they were obtained. With this general feeling existing, it is not surprising that a complete conversion to the other way of thinking did not take place as soon as the American government took charge of Louisiana. On the contrary, just at this time the United States, a government which had always opposed commercial restrictions and believed in freedom of trade, itself tried out that fruitless experiment, the embargo. Once again the citizens of New Orleans found themselves, because of government action, unable to obtain the necessary commodities, so without compunction they resorted to those well known methods which had previously served so well under parallel circumstances.

Coupled with this "easy conscience" attitude towards smuggling, there must be taken into account the system of privateering that then prevailed. These were the days before large national navies and privateering was not only lawful but frequently financially remunerative and ennobled by patriotic approval. France, finding itself no match for the British navy, especially after Trafalgar, resorted to their use. Prior to the Latin American wars

of independence, therefore, numbers of French privateers were found in American waters preying on Spanish commerce. Guadeloupe and Martinique had formerly served as bases of operations, but following the capture of those islands by the British, the privateers had to seek new ports, and a group of these established themselves in the neighborhood of Barataria Bay. The use of American territory for such purposes was definitely contrary to international law, but the locality exactly fitted their purpose, for the deep labyrinthian bayous afforded havens for their seagoing vessels and hiding from the customs authorities. These waterways likewise furnished the arteries by which they carried their goods to New Orleans, where they disposed of them to a people who, instead of looking down on their profession, considered them friends in need supplying those things of which the government sought to deprive them. So the citizens of New Orleans rather than frowning on these practices, coöperated with these individuals in conspiring to defeat the law.

As is often the case the line of demarcation between privateering and piracy was hard to determine, and when in doubt these so-called privateers had no hesitancy in overstepping the bounds into the realm of piracy. Having already violated the neutrality of the United States, it was not long before their operations had lost all vestige of legality and they had become outright buccaneers. Privateering called for the adjudication of the captured goods in an admiralty court before their character as legitimate prize could be ascertained. As France possessed no ports in the Western Hemisphere and as it was out of the question for these privateers to make the voyage across the Atlantic, risking capture by the swarm of British cruisers patrolling French waters, they found it easier to enter the port of New Orleans under pretext of being in distress, for international law permitted entry under stress of weather, and there surreptitiously dispose of the loot.¹⁷⁷ In 1810 New Orleans was the most popular place in which to carry on this practice.

It will be noted that at this time these vessels bore the French flag and supposedly had letters of marque from Napoleon. The real reason for this was that as Spanish commerce was the most lucrative prey, the privateers, merely as a gesture calculated to superficially legitimize their captures, adopted the nationality of an enemy of Spain. The flying of French colors by no means meant

¹⁷⁷ *Louisiana Gazette*, April 12, 1810.

that these were French ships or that they were manned by French crews, for all with easy consciences and a taste for adventure found it no hard matter to fit out a ship, set out for a fictitious destination, and once away turn privateer. New Orleans became a favorite place in which to make ready and from which to sail.¹⁷⁸

This account of these French privateers might seem a bit removed from New Orleans in relation with Latin America, but there is a very definite connection, for the principal activity of these adventurers was against Spanish shipping. Later, following peace between France and Spain, Hispanic American flags superseded those of France at the mastheads. The transition, from purely psychological considerations, was a happy one, for the patriot cause was decidedly more popular in the United States than that of Napoleon.

The practice of using New Orleans as a port in which both to outfit and to dispose of the plunder was so well known and had reached such magnitude that the papers of the day are filled with accounts of the flagrant violations of the laws. In the *Louisiana Gazette* is found this item:

We hear daily of the depredations committed on the high seas by those privateers; many of them hovering on our coast and as Napoleon has not a foot of land in the West Indies nor is his flag permitted to enter any port on the continent of South or North America where then says those robbers shall we go with our booty. Why to New Orleans, is the answer, there we have friends—it has been and still is the asylum for the distressed of the nation—we can feign distress and the sympathetic hearts of the American and our French brethren will receive us with open arms.¹⁷⁹

This is a true picture of the sentiments of the greater part of the inhabitants, but with the influx of Americans and as that element's influence increased there was a gradual swing away from this uncivic attitude. But in 1810 only certain newspapers and the better sort of merchants demanded that the government put a stop to these practices. Both the territorial and federal authorities, however, failed to adopt an aggressive attitude, pleading insufficient means effectively to correct the abuses. In this they were right, for the naval forces of the United States were too small to patrol adequately the coast and bayous. Though the higher officials were conscientious and appear to have done what they

¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid.*, April 17, 1810.

could, there were always subordinates who were frequently in connivance with the pirates. At no other time does the audacity of the pirates seem to have been quite so open. The following letter is remarkable for its frankness in supporting an unlawful enterprise and perhaps the best exposition of the viewpoint then prevalent among so many:

To the Editors of the Louisiana Gazette,
Gentlemen:

Your paper of Wednesday contained a letter written by some idiot and introduced to public notice under the head of Piracy and Smuggling, in which the writer makes a great outcry against a few honest fellows of us, who are using extraordinary exertions to punish the common enemy, the British, and their allies the Spaniards and prevent the total stagnation of trade during the existence of the Non-intercourse Act. What would the fellow be at? Does he wish to discourage our profession and put an end to trade altogether.

Cannot the booby perceive that without us there would not be a bale of goods at market; and does he not see, by the open manner in which our business is done, that the government of the United States has no objection either to the fitting out of our prizes and the sale of their cargoes, without troubling ourselves about the payment of duties; which I assure you we would find extremely inconvenient when we sell so low for real cash in these hard times. In order, therefore to do away any wrong impression which might cool the ardour of those hitherto engaged with us, and to convince the incredulous of the protection and license we enjoy, to plunder when we please, and import without entry what we think proper, I wish you to announce in your paper that the association company of free booters have recommenced their calling, and have formed depots at Barrataria, the mouths of Fourche, and Teche, at the Chandeliers, and Breton Islands, where they will sell ships and cargoes by wholesale; and if their old stands in Conde and Toulouse streets can be obtained, will there open by retail, and will only send to the auctioneers in case of an absolute want of purchasers.

The very great profits and quick sale made by the two concerned in the purchase of the Polacre, by which they are known to have cleared \$30,000 ought to be a great encouragement to those who wish to purchase on a large scale.

As no impediment exists in the transit between Barrataria and this city, and the approaching rise of the river will render communications very easy, by the means of the mill

races and canals, hitherto frequented by the small dealer; the shopkeepers and planters may by those routes, be supplied from the grand depot almost at their own prices. Your paper will become more useful by conveying this information than noticing the dull debates of the Convention: and had it not been for the misfortune that lately occurred at Savannah much good business might now be doing, the advertising of which would have more than paid your expenses at the ensuing Carnival.

Do not, therefore, if you wish well to yourselves, to your country, and to us, to neglect to publish this note. Let the public know that Lt. Gregory no longer cruizes off Barrataria; that there are still a vast quantity of goods for sale; ships, brigs, schooners, and several hulls, to be disposed of; and that directions will be given where to fish for anchors and cables of those which customers have not yet offered.

Toulouse street, 18th December 1811

The Agent of the Freebooters.¹⁸⁰

Despite their lack of sufficient forces or resources, the authorities could not afford to sit by calmly and watch these proceedings. In the same month that the above letter was published, Claiborne wrote Commodore Shaw, naval commander on the New Orleans station, that he had received information "that the schooner *Republican*, Pierre Ferre, master, had just cleared out for Aux Cayes, under circumstances, which furnished strong ground to suspect that she is intended for privateering", and concluded by requesting that the ship be "overhauled at the Balize, and if on examination, there should be found on board any cannon, arms, or ammunition to justify the existing suspicion, that the vessel be detained."¹⁸¹

It is about the latter part of 1811 that these privateering schemes seem to have been effected by the independence movements, for in December of that year there were rumors circulating in New Orleans to the effect that an expedition was arming and equipping in that city "for the purpose of surprising Baracoa in the Island of Cuba, plundering its inhabitants and laying waste the Town."¹⁸² The authorities were cautioned to be on the lookout for such projects as "such an equipment within the jurisdiction of the

¹⁸⁰ *Ibid.*, December 20, 1811.

¹⁸¹ *Claiborne Letter Books*, VI, 15.

¹⁸² *Ibid.*, VI, 22.

United States would be highly improper." These reiterated cautions seem to have been of little effect, for in 1812 and 1813 there is record of Antonio, "one of the branch pilots at the Balize," being in connivance with the privateers,¹⁸³ of a "Spanish brig bound from Vera Cruix to New Orleans, in search of provisions for an almost starving people,"¹⁸⁴ being plundered near the mouth of the Mississippi, and other equally clear indications that the pirates had in no way lessened their business.

In the meantime the Spanish authorities were not suffering these losses without attempting some sort of retaliation, and it is to be noted that the greatest distrust of Americans prevailed in all Spanish ports. In 1813 Antoine Laporte, a citizen of New Orleans who had been duly commissioned by the United States to cruise against England, was arrested when he put into a Cuban port to obtain supplies.¹⁸⁵ So strong was this feeling against Americans that when a Mr. Bosch, who was going to Vera Cruz solely to visit relatives, was given passage aboard the United States brig *Siren*, that ship's commander was advised that he "mention to the Governor, the object of Mr. Bosch in visiting Vera Cruz", and that if he found that "his landing is in the least disagreeable" he should be kept on board to avoid exciting suspicion.¹⁸⁶

In response to the clamor of that element of honest citizens and of the merchants who were losing money trying to compete with the freebooters, and in order to maintain the dignity of the laws, Claiborne determined to clear out the nest of buccaneers at Barataria. His first move was to issue in March, 1813, a proclamation ordering the "Barratarian banditti" to disperse, but that he was not too sanguine in anticipating its effect can be seen in his letter to General Wilkinson in which he confessed that "I do not expect, that the proclamation will induce these lawless men to disperse and separate;—I trust and believe it may tend to excite the vigilance of the officers of this state and to prevent the citizens from countenancing such violations of the laws. As regards the principal offenders I am persuaded that nothing short of the most vigorous measures will put a stop to their evil practices and a resort to force is in my opinion indispensable."¹⁸⁷ This latter alternative was carried out in the fall of 1814 when a joint military

¹⁸³ *Ibid.*, VI, 128.

¹⁸⁴ *Ibid.*, VI, 126.

¹⁸⁵ *Ibid.*, VI, 230.

¹⁸⁶ *Ibid.*, VI, 114.

¹⁸⁷ *Ibid.*, VI, 216.

and naval force descended on Laffite's headquarters which were captured without bloodshed.¹⁸⁸ Among the piratical crafts seized were several carrying Carthaginian colors, and one named the *General Bolivar*.¹⁸⁹ While it was generally understood that the privateers had exchanged the French flag for that of the revolutionary governments, this is the first time that the Baratarians are specifically noted as carrying them. Exactly when this transition took place is hard to say and the authority for such a change is even more shadowy.

Laffite was not a "patriot". He is often quoted as having vowed eternal vengeance on Spain, but whatever service he rendered the Carthaginian cause cannot be attributed to altruistic motives. On the contrary it was a fortunate coincidence that at the time there existed such weak and often undefinable governments at war with Spain, for their de facto recognition by the United States technically precluded ships carrying their flags from being proscribed as pirates. On the other hand, these governments were so powerless that they were unable to prevent abuse of their prerogative of commissioning privateers. The story of Laffite, whose personality overshadows the activities of all the others, is of no particular interest except when it connects with the revolutionary movements. Though he is to be encountered as an actor in this phase until its very end, he is only one of the many pirates who used New Orleans as a base or as a market. It is furthermore curious to note that though mention of the Baratarians occurs frequently in contemporary accounts, Laffite's name rarely appears in print. It seems that he was particularly adverse to publicity and managed to escape embroiling himself in any situation in which he might suffer through excessive notoriety. This he accomplished by acting through his lieutenants and agents.

Though the breakup of the Baratarian nest for a time put a quietus on the activities of the pirates in the vicinity of New Orleans, it was not long before these bandits found their way back to their old haunts.¹⁹⁰ Many of them had obtained pardon for their past depredations by their services in the Battle of New Orleans,¹⁹¹ but as their only means of livelihood was by violence and plunder, they quickly drifted back to their old mode of existence. Their activities within the jurisdiction of Louisiana, however, never

¹⁸⁸ *Louisiana Gazette*, October 11, 1814.

¹⁸⁹ *Niles' Register*, VII, 166, (November 19, 1814.)

¹⁹⁰ *Ibid.*, VIII, 231, (May 27, 1815.)

¹⁹¹ Gayarré, *op. cit.*, IV, 628.

achieved the importance that they had under the leadership of Laffite, for an increase in the population of New Orleans and an augmentation in the military forces at the disposal of the authorities rendered precarious the old practices,¹⁹² and they were forced to seek new bases of operations. Furthermore, the Treaty of Ghent removed many of the conditions favorable to the pirates. Repeal of the embargo and the increase of trade with the coming of peace produced a fall in prices cutting into the enormous profits, the usual incentive to illegal commerce.

The passing of Laffite and his banditti coincided with the reestablishment of peace in Europe and the resumption of satisfactory relations between Great Britain and the United States. These events had great influence on the situation in New Orleans, for it was in 1815 that the piracy and privateering which had centered in that locality became intimately connected with the independence movement. Before that its significance had been rather localized. By that is meant that it was of primary concern only to the customs officials of the Louisiana district. The federal government was too preoccupied with the impressment issue, war with England, and other pressing matters to be able to spare forces to regulate affairs in this section. Though the Baratarians carried commissions supposedly from the Republic of Carthage, it was well known that they were interested only in the profit derived from disposing of their loot at New Orleans and were not at all concerned with the patriot cause. However, with the dispersal of the Baratarians, these men for the most part wandered to places in the hands of the revolutionists. There they contacted patriot governments and obtained commissions to set up bases under authority of Carthage, Mexico and other countries. This was what occurred at Galveston. In addition there now came to New Orleans "legitimate" agents of the Mexican Congress, such as Herrera and Toledo, who, failing to gain the support or even the recognition of either the federal or state officials, were forced to consort with the ruffians of the port, who had no hesitancy in undertaking surreptitious shipments of munitions of war. Besides these agents, who may be said to have acted at least from patriotic motives when they violated the laws of the United States, there were those who were outright pirates. It is almost impossible to distinguish between the two, but in all justice to the former, it must be said that while some leaders such as Aury acted with some

¹⁹² *Claiborne Letter Books*, VI, 355.

pretense of legality, there were others like the notorious William Mitchell who was but a bloodthirsty buccaneer.

In 1815, with the resumption of diplomatic relations between the Spanish and American governments, this problem of the privateers was one of the three sources of friction enumerated by DeOnis in his first letter to Monroe. He demanded that the United States refuse admittance to ships flying the "insurrectionary" colors,¹⁹³ but Monroe replied that so frequent had been the change of governments in those parts, and that the war had been going on for such a long time that the President had resolved to admit any ship which paid the duties and obeyed the laws.¹⁹⁴ In reply to the charge that certain privateers were violating the neutrality of the United States by arming in its ports, especially at New Orleans, Monroe transmitted a copy of a report of investigation by Mr. Dick, United States attorney at New Orleans, in which it was stated:

At no period since the commencement of the struggle between the Spanish colonies and the mother country have vessels, to be employed in the service of the colonies, been permitted to fit out and arm, or to augment their force at New Orleans, or elsewhere within the State of Louisiana. . . .

Attempts to violate them by fitting out and arming, and by augmenting the force of vessels, have no doubt been frequent, but certainly in no instance successful, except where conducted under circumstances of concealment that eluded discovery and almost suspicion, or where carried on at some remote point of the coast beyond the reach of detection or discovery.¹⁹⁵

The same letter gives the names of nine vessels "and property brought within the Louisiana district, captured under the flags and by the authority of the Government of New Grenada and of Mexico, libelled on the part of the original Spanish owners, and restored upon the ground that the capturing vessels had been fitted out and armed, or had their force augmented within the waters of the United States."¹⁹⁶ The general tenor of this communication conveys the impression that there were no violations of the laws to the detriment of Spain and that the United States was judiciously maintaining its neutrality, but close examination

¹⁹³ *American State Papers, Foreign Relations*, IV, 423.

¹⁹⁴ *Ibid.*, IV, 426.

¹⁹⁵ *Ibid.*, IV, 432.

¹⁹⁶ *Ibid.*

of the wording shows that though no arming of vessels occurred within the city proper, yet armaments from New Orleans found their way to the privateers, usually in the streams but a score of miles to the south. Nevertheless, Monroe considered this answer adequate and he seems to have temporarily shunted DeOnis from this subject by pressing the Florida claims, thereby putting the latter on the defensive. It is interesting to note in the correspondence between these two that Monroe adroitly imposed the burden of proof on DeOnis, who conscientiously went to great pains and used lengthy historical arguments in attempting to gain his point.¹⁹⁷

In the meantime the depredations on Spanish commerce continued. A calendar of the outrages is unnecessary and would hardly be accurate, but an idea of the extent and character of this activity can be obtained by citing a few examples. Perhaps the pirate whose name is most frequently encountered is that of William Mitchell who cruised in the Gulf and Caribbean and who was charged with the most heinous crimes. In 1816 he was reported as coming to New Orleans to dispose of his booty as he had done on previous occasions,¹⁹⁸ in 1817 there is an account of his being "shot through the body by some military sent from New Orleans,"¹⁹⁹ and as late as 1819 a plea was made to the federal government to drive him from Barataria which he had fortified and was holding with one hundred and fifty desperados.²⁰⁰ In November, 1816, there occurred a most flagrant violation of the laws when "the Venezuelan armed schooner *Jupiter* (which sailed without paying pilotage, or giving an order for it) captured within musket shot of the Bar, the Spanish brig *La Regna de los Angeles*, from Campeachy," and the Spanish schooner *Hipolite* of Vera Cruz.²⁰¹ The Spanish consul retorted by publishing in the *Louisiana Gazette* a protest in the form of an advertisement,²⁰² and though two United States ships were dispatched to capture the pirate they were unsuccessful.²⁰³ It later developed that the *Jupiter* belonged to the Galveston "squadron"²⁰⁴ and the two ships which had been seized were ordered restored by the patriot admiralty court there, most probably upon the representation of the United

¹⁹⁷ *Ibid.*, IV, 422 et seq.

¹⁹⁸ *L'Ami des Lois*, October 10, 1816.

¹⁹⁹ *Niles' Register*, XII, 347, (July 26, 1817.)

²⁰⁰ *Ibid.*, XVII, 31, (September 11 1819.)

²⁰¹ *Louisiana Gazette*, November 29, 1816.

²⁰² *Ibid.*, December 13, 1816.

²⁰³ *Niles' Register*, XI, 352, (January 18, 1817.)

²⁰⁴ *Ibid.*, XI, 380, (February 1, 1817.)

States backed by the *Congress* and the brig *Tom Bowline*, which were sent to demand restitution.²⁰⁵ Another daring enterprise was that of fourteen men who fitted out in the Bayou St. John a small boat and going to Yucatan cut out from the port of Sisal a brig and a schooner.²⁰⁶

While illegal arming of privateers was going on in nearly all the ports of the United States, New Orleans seems to have afforded the most favorable opportunities. This fact is not at first apparent, for judging by contemporary accounts it would seem that the greater number of outrages and the most famous privateersmen were connected with the activities centering in Atlantic ports. The reason for this is that as these acts occurred nearer centers of population whose newspapers were more widely read, they received greater notoriety. Likewise reports from Spanish consuls at eastern ports to the Spanish Minister were more frequent and took less time to communicate than those from New Orleans. Another interesting point is that ships outfitted in New Orleans all bore the flags of either the Carthaginian Republic or Mexico, for in all the records there is not a single instance of any Buenos Ayrean ship coming there. This is indicative of the lack of intercourse between the two regions, as noted before, and the degree of non-intervention or interest of New Orleans in the affairs of the far south. On the other hand, the ports of the Atlantic were a favorite resort for vessels flying the colors of Buenos Ayres. The following letter, perhaps exaggerated since it comes from the Spanish minister, is nevertheless a good account of what damage that nation was suffering and how powerless it was to prevent it:

It is notorious that, although the speculative system of fitting out privateers and putting them under foreign flag, one disavowed by all nations, for the purpose of destroying the Spanish commerce has been more or less pursued in all the ports of the Union, it is more especially in those of New Orleans and Baltimore, where the greatest violations of the respect due to themselves have been committed: whole squadrons of pirates having been fitted out from thence, in violation of the solemn treaty existing between the two nations, and bringing back to them the fruits of their piracies without yet being checked in these courses either by the reclamations I have made, those of his majesty's consuls or the decisive and judicious orders issued by the president for the purpose. . . .

²⁰⁵ *Ibid.*, XI, 352, (January 18, 1817.)

²⁰⁶ *Louisiana Gazette*, March 11, 1817.

The consul at New Orleans informs me that the pirate Mitchell, with the vessels under his command, fitted out by different merchants of whom Mr. Dupuy is supposed to be the principal, has lately taken several Spanish prizes at Galveston, and that from the proceeds of their sales, he has remitted to the said deputies one hundred and five thousand dollars, which he has deposited in the Bank of Louisiana, after deducting the shares of captain and crew, amounting, as is supposed, to two hundred thousand dollars. The same Consul adds, that two of the prizes, one from Campeachy and the other from Guatemala, were burnt, and their crews landed by that savage monster near Boquilla de Piedras, that they might be as they actually were put to death by his great friend Villapinto, a noted rebel ringleader, who being pursued by the King's troops, had retreated to the seashore to make his escape. Of ninety men comprising these crews, only nine were saved.²⁰⁷

The repeated protests of the Spanish minister and the publicity given to each new outrage caused President Madison in his message to Congress of December 3, 1816, to call that body's attention to these grave infractions of the law.²⁰⁸ In response to this message, Congress considered a bill "to prevent the citizens of the United States from selling vessels of war to the citizens or subjects of any foreign Power and more effectually to prevent the arming and equipping of vessels of war intended against nations in amity with the United States."²⁰⁹ In the debate over the details of the bill, Thomas Bolling Robertson,²¹⁰ representative from Louisiana, who was intensely pro-patriot, opposed the proviso "that collectors might seize any ship which they but suspected," claiming that it was too severe, gave too much authority to the collectors, "that the old law operated well enough at New Orleans, and that there had been no complaints."²¹¹ Robertson was answered by Smith of Maryland who refuted his claim that there had been no complaints from New Orleans by citing the case of two Spanish ships recently captured within the territorial waters of the United States by a privateer from that city.²¹² The neutrality bill of 1817 passed in its entirety.²¹³

²⁰⁷ *Congressional Debates*, 15 Cong., 1 Sess., Appendix, 1899-1900.

²⁰⁸ James D. Richardson, *A Compilation of the Messages and Papers of the Presidents 1789-1902*, (10 vols., Washington, 1903), I, 577.

²⁰⁹ *Congressional Debates*, 14 Cong., 2 Sess., 715, (January 23, 1817.)

²¹⁰ Robertson was a most ardent supporter of the independence of the Spanish colonies. A more complete discussion of his views follows.

²¹¹ *Congressional Debates*, 14 Cong., 2 Sess., 736-738, (January 23, 1817.)

²¹² *Ibid.*, 738, (January 24, 1817.)

²¹³ *Ibid.*, 763-764, (January 27, 1817.)

In connection with the same matter, when Ceasar A. Rodney, John Graham, and Theodoric Bland, were appointed as commissioners to the countries of South America, they were instructed that:

Among the objects to which it is desired that you will call the attention of the existing revolutionary authorities, will be the irregular, injurious and it is hoped unwarranted use of their flag and of commissions real or pretended derived from them. . . .

You will inform them that a citizen of the United States cannot accept and act under such a commission without at once violating the laws of this country and forfeiting his rights as a citizen. That the fitting out of privateers in our Ports to cruize either for or against them is prohibited by our laws; that many such privateers have fitted out in our Ports (unknown to this government) and though manned and officered by Americans, they have captured the property of nations with whom we are at peace and have used the flags sometimes of more than one of the South American governments. That if these clandestine and illegal armaments in our ports have been made under authority of those governments, the United States have just cause to complain of them, and to claim satisfaction and indemnity for all losses and damages which may result; and if they have not been authorized, it would be but justly reasonable that those governments should not only publicly disavow them, but in issuing their commissions and authorizing the use of their flag, subject them at least to the restrictions conformable to the law of Nations.²¹⁴

Reporting on this matter on their return to the United States, the commissioners stated that both Buenos Ayres and Venezuela disclaimed any knowledge of the establishments at Amelia Island and Galveston and assured them that no commissions had been issued to any members of these bands. The commissioners furthermore added that as those governments had no connections with the privateers operating in the Gulf and along the American shoreline, they had professed no objection to any action which the United States might take against them. In fact their main interest was in preserving their cause from harmful publicity by its association with these buccaneers, and for that reason, as well as for the good of society in general, they hoped that the seas would be rid of them.²¹⁵

²¹⁴ Manning, *op. cit.*, I, 47-49.

²¹⁵ *Ibid.*, I, 385-387; II, 1178-1780.

The Aury settlement of Galveston has already been mentioned in another connection. Following the occupation of that island in 1816, a government was established, an admiralty court set up with John Ducoing as judge, and Aury, with the fleet at his disposal, found it very profitable to scour the seas for Spanish prizes. But though his vessels had formerly been part of the Carthaginian fleet and the commissions for his establishment had been granted by Herrera, who claimed to be the duly accredited agent of the Mexican Congress, the establishment quickly took on the air of a pirate base. The reason for this was that his captains had been recruited from all quarters of the Gulf and Caribbean and among them were many who had slight regard for the niceties of international law. It so happened, therefore, that ships from Galveston now and then made questionable captures. In addition to this the disposal of the loot became quite a problem, for among the prizes were many Spanish slaves. As there was no market for them at Galveston, and Texas was yet a wilderness, the only thing to do was to sell them to the planters of Louisiana. It was in this way that there developed a prosperous trade in the illicit smuggling of Negroes into the United States.²¹⁶ This violation of the Act of 1807 was of particular concern to the collector of customs at New Orleans for he was at a loss to know how to stop it, not having sufficient forces at his disposal. The following is part of his report on the situation:

It has been stated to me, on the authority of a letter to a respectable gentleman of this city, that there were three schooners lying in the river Merimentau, belonging to Commodore Aury's squadron, smuggling their cargoes on shore. The audacity of the piratical set, since they find Galveston has not been, and as they say, will not be suppressed, knows no bounds. In order to keep them somewhat more in check, and to defeat their nefarious schemes as far as in my power until Government aid with such force as it may deem best suited to the purpose, I have determined to station an additional revenue boat and crews, with an active and enterprising officer, at and near Fort St. Philip, and to increase the crews and boats at the Balize and Fort St. John. It will I think render their operations a little more difficult and I confidently rely on your approbation. But no efforts of the officers of the customs alone can be effectual in preventing the introduction of Africans from the westward; to put a stop to that traffic a naval force suitable to those waters is indispensable; and

²¹⁶ Eugene C. Barker, "The African Slave Trade in Texas", in *Texas Historical Association Quarterly*, VI, 145-147.

vessels captured with slaves ought not to be brought to this port, but sent to some other in the United States for adjudication. . . . Vast numbers of slaves will be introduced to an alarming extent, unless prompt and effectual measures are adopted by the general government. The master of an American schooner from Havana reports that he was offered a full freight of Africans for this river, which he refused.²¹⁷

Another light on the introduction of slaves into Louisiana from the Spanish colonies is as follows:

It is the common practice at New Orleans to send an agent abroad to the West Indies to purchase a cargo of slaves. They are then brought to the United States for about one third what they can be purchased at here. So soon as the slave ship arrives off the Balize, the agent leaves her and goes immediately to New Orleans where he gives information to the proper authorities that a certain vessel is in the Mississippi and said to be bound to New Orleans with a cargo of slaves, contrary to the law of the United States. The vessel and cargo are libeled, and the slaves and vessel are sold at public vendre cheap, by common consent to the original importer. One half of the money goes to the United States and the other half to the informer. Therefore after all expenses are paid, negro slaves are imported at half of what they cost in the United States.²¹⁸

The above account was totally refuted by a citizen of New Orleans who stated that only one sale of slaves had been made under the authority of the United States and that each negro was sold at from \$1,000 to \$1,300 per head.²¹⁹

Aury's occupation of Galveston was short lived for in April, 1817, he set out with Mina and Perry for Sota la Marina. The settlement had been demolished and only an advice boat was left there, but the island's strategic position precluded its remaining uninhabited. A few days after the departure of Aury, Laffite occupied the harbor and there set up a government operating under the supposed authority of the Mexican Congress and staffed with some of Aury's former officials. In reality, however, it was "little else than the re-establishment of the Barataria band, removed somewhat more out of reach of justice",²²⁰ for "the sole view of the persons comprising the said establishment was to capture Spanish vessels and property without any idea of aiding the revo-

²¹⁷ *Congressional Debates*, 16 Cong., 1 Sess., 906-907, (January 13, 1820.)

²¹⁸ *Niles' Register*, XV, 269, (December 12, 1818.)

²¹⁹ *Ibid.*

²²⁰ *Congressional Debates*, 15 Cong., 1 Sess., Appendix, 1789.

lution in Mexico."²²¹ The depredations carried on by Aury were nothing as compared with what followed. The best account of these activities with reference to New Orleans is found in the report of Beverly Chew, collector of customs, to Crawford, Secretary of the Treasury. Though lengthy and prolix, certain passages throw such valuable light on the conditions existing in 1817 that they are quoted:

From this new station, fed and drawing all its resources from New Orleans, and keeping up a regular intelligence, through a variety of channels, with their friends here, an active system of plunder was commenced on the high seas, chiefly of Spanish property, but often without much concern as to the national character, particularly when money was in question. The captures made by their numerous cruisers (many owned by citizens of the United States) were condemned by a pretended court of admiralty there as prizes, and the cargoes introduced into this State principally in a clandestine manner. The vessels thus condemned have generally come here under new names, and with the Mexican flag. . . .

I have felt it my duty to report all vessels and cargoes which have arrived here from Galveston to the district attorney, who has had them arrested under the Spanish Treaty; but owing to the unfortunate absence of the judge, no decision can be had thereon. These steps of the officers of the port have irritated the Barratarian gentlemen and their connexions in a high degree; and representations filled with falsehoods will probably be made against them, particularly on the score of enmity to the patriotic cause. As well might a man be accused of being an enemy to personal liberty who arrests and confines a robber, as that the officers of the port of New Orleans should be accused of being unfriendly to the revolution in the Spanish provinces because they attempted to prevent a lawless establishment at Galveston from violating the laws. The prizes made by the privateers under the Mexican flag are to a very large amount of merchandise, such as jewelry, laces, silks, linens, britannias, muslins, seersuckers, calicoes, etc.; all of which are repacked in small bales, of convenient sizes for transportation on mules, and the greatest part introduced clandestinely. Other articles, such as iron, nails, tallow, leather, glass ware, crockery, cordage, beef, etc. are brought here in their prizes. . . .

At the end of the cruise the same farce is played over again; and it may with truth be said that each cruise commences and ends at this port. Attempts have been made to convict them, but as yet without success. They easily excul-

²²¹ *Ibid.*, 1798.

pate themselves. Witnesses, on their part are never difficult to be procured in a place where there are a vast number of people with whom the solemnity of an oath has little weight.²²²

As can be seen the United States suffered considerably from these activities, but despite the appeals of the revenue officials and the commercial interests of New Orleans no expedition was sent against Laffite. The reason for this was that the delicate negotiations over Florida and the "western boundary" were in progress and DeOnis refused to agree to an American force dispersing the freebooters, claiming that as Galveston was within Spanish jurisdiction this would constitute a violation of Spanish territory.²²³ In reality DeOnis feared that if once United States troops occupied Galveston there would be no dislodging them.

Laffite continued his depredations, befriended Lallemand when he visited Galveston, dickered with Long over the projected invasion of Mexico, and in general carried on an enterprising commerce from the proceeds of his ventures. He was careful not flagrantly to antagonize the United States, for he realized that once that nation determined to suppress piracy he would have to abandon his lucrative business. His captains, however, were not so circumspect, for in 1819 one of them captured an American ship near the Sabine.²²⁴ The treaty with Spain being concluded, the warship *Lynx*, Lieutenant Madison commanding, was promptly dispatched to demand reparations. On arriving at Galveston Madison learned that Laffite had already hanged the guilty captain, and when he demanded in addition the delivery of members of the crew, Laffite, to placate the United States, promptly surrendered them.²²⁵ In this way the ultimate dissolution of the establishment was forestalled for a time, but the following year another American ship was scuttled in Matagorda bay and this time Lieutenant Kearney was sent to Galveston with explicit orders to suppress the establishment.²²⁶ Laffite, in the face of superior force, evacuated Galveston bringing to an end piracy in that section of the Gulf.

At the same time that the Galveston settlement flourished there were other pirates who frequented New Orleans or who attacked shipping connected with that place. These were even

²²² *American State Papers, Foreign Relations*, IV, 134-137.

²²³ Bancroft, *North Mexican States and Texas*, I, 42.

²²⁴ *Ibid.*

²²⁵ Yoakum, *op. cit.*, I, 203.

²²⁶ *Ibid.*, I, 203-204.

farther removed from the patriot cause, but their activity continued to be principally directed against Spanish vessels although those of the United States suffered as well. In 1818 it was reported that Ceasar Fourier sailed from New Orleans in the *Louisiana* presumably for Brazil but that on pretext of getting fruit he deposited his passengers on an island off the Guiana coast, hoisted the patriot flag, and began a career of plunder.²²⁷ In 1819, the *Mary*, off the mouth of the Mississippi, was boarded and robbed by pirates, one of whom was recognized "as being the wooden legged man who worked for Andre Durand the sailmaker of New Orleans."²²⁸ Likewise conditions in New Orleans had gotten so bad that in 1818 Governor Villere in his message to the Louisiana Legislature deprecated the unrest, saying:

I will not attempt to describe to you the disorders and crimes of which, during nearly all last month, this city has been the theatre; public report has probably informed you of them; nor do I doubt but you will agree with me in ascribing their cause to the prodigious increase of our population. It is natural to think that a great number of those men who lately, under the false pretext of serving the cause of the Spanish patriots, scoured the Gulf of Mexico, making its waves groan under the direful weight of their vessels fraught with depredation, have come to take refuge among us; and we daily see arriving in our hospitable land a multitude of foreigners, whom the calamities, the revolutions and the peace of Europe compel or induce to emigrate.²²⁹

In view of the constant complaints from public officials, newspapers, and citizens, and in response to the numerous protestations of the Spanish minister which continued to reach the State Department,²³⁰ the federal government decided seriously to attempt the eradication of this evil. Accordingly, Congress, on March 3, 1819, passed an act "to protect the commerce of the United States and punish the crime of piracy,"²³¹ and from then on the energies of the navy were bent in that direction. The result of this policy was immediately apparent and there began to appear accounts of the capture of these buccaneers and their conviction in the principal ports of the United States, but especially at Charleston and

²²⁷ *Gazette de la Louisiane*, November 18, 1818.

²²⁸ *Louisiana Courier*, November 5, 1819.

²²⁹ Gayarré, *op. cit.*, IV, 634-635.

²³⁰ *American State Papers, Foreign Relations*, IV, 422-535, *passim*. On page 534 there is list of Spanish vessels captured by pirates and brought into the U. S., stating the result or actual state of the claims made for their restitution. Of the 33 ships, 17 were brought to N. O. On page 535 there is list of ships equipped in U. S. Of 28 ships, 7 were equipped in N. O.

²³¹ Manning, *op. cit.*, I, 166.

Savannah. In New Orleans, however, there was much trouble. When the *Alabama* captured a "piratical schooner fitted out at New Orleans and commanded by a fellow named LeFage"²³² and brought its crew to that city, efforts were immediately begun to liberate them. Failing to do so by writ of habeas corpus,²³³ such serious rioting in their favor occurred that the governor was forced to order out the militia to patrol the streets at night.²³⁴ Later, when these pirates were in prison under sentence of death, such a demonstration took place that General Bissle ordered a detachment of the regular army from Baton Rouge to New Orleans to resist an attempt to rescue them.²³⁵

But the pirates could not oppose the force of the United States, and after 1820 such activity along the Louisiana coast was decidedly on the wane. The suppression of Galveston was the most important factor to that end. Also of importance was the fact that the Spanish colonies had almost achieved their independence and that a better knowledge as to their condition existed in the United States. No longer did the ruse of a patriot flag induce sympathy, especially since with the decrease of Spanish shipping any craft which promised booty was attacked, and no longer did the revolutionary cause in Mexico, the principal field of endeavor, warrant maritime ventures in that direction. To all practical purposes New Orleans, after 1820, ceased to be a rendezvous for pirates, for when driven from the Gulf of Mexico the buccaneers had set up bases in Cuba and Porto Rico. Now operating by tolerance of Spain, they attacked American vessels, thereby exactly reversing the situation and causing the United States to voice protests in much the same terms that Spain had used a few years earlier.²³⁶

The pirates occupied a strategic position with regard to ships to and from New Orleans, for operating in the Florida straits they levied heavy toll. It was not infrequently, therefore, that there was notice that a certain ship from that city had been boarded or scuttled and every now and then a United States ship sent in piratical prizes to be adjudicated.²³⁷ There were also protests that if the federal government did not make a special effort to curb these practices, the lucrative trade between New Orleans and

²³² *Niles' Register*, XVII, 111, (October 16, 1819.)

²³³ *Ibid.*, XVII, 128, (October 23, 1819.)

²³⁴ *Ibid.*, XVII, 235, (January 15, 1820.)

²³⁵ *Ibid.*, XVIII, 256, (June 3, 1820.)

²³⁶ *Congressional Debates*, 17 Cong., 2 Sess., Appendix, 1221 et seq.

²³⁷ *Louisiana Courier*, November 27, 1822; *Niles' Register* XXIII, 130, (November 2, 1822); XXIII, 148, (November 9, 1822.)

Cuba would be stifled.²³⁸ Responding in the usual manner, the President took notice of these facts in his annual message to Congress,²³⁹ stressed the danger to New Orleans commerce, and Congress proceeded to pass an act authorizing the purchase or construction of vessels to repress these outrages.²⁴⁰ All during 1823 and 1824 the warfare against them continued and towards the end of the period under consideration, they had nearly all been suppressed. As far as New Orleans is concerned the swan song of patriotic activity there appears to have been in 1822, when "one hundred and fifty men sailed in a sloop of war, the Eureka for Porto Cabello in Venezuela, and joined the naval demonstration to which the place after a siege, surrendered."²⁴¹

CHAPTER IV

COMMERCE

To discuss the commerce and intercourse between New Orleans and Latin America is somewhat like attempting to write negative history—to point out what did not take place—for during a great part of the period under consideration there was almost nothing of the sort and it was only after 1815 that a revival of trade occurred. The term revival is used purposely, for previously there had been quite a commerce between New Orleans and the French and Spanish West Indies, a commerce dating back to the successive occupancy of Louisiana by France and Spain, but in 1810 circumstances were such that most of it had been curtailed. To understand this situation it is necessary to call attention to the commercial status of the whole world at that time.

Following the adoption of the Constitution, the United States had experienced a rapid development of its shipping due to the wars in Europe and the need of foodstuffs there.²⁴² Being the only neutral with a merchant marine of any consequence, a marine capable of further expansion, the carrying trade quickly passed into American hands, making for an era of commercial prosperity. In 1807 all this was altered as a result of Napoleon's continental

²³⁸ *Louisiana Courier*, November 27, 1822.

²³⁹ *Congressional Debates*, 17 Cong., 2 Sess., Appendix, 1221.

²⁴⁰ *Ibid.*, 17 Cong., 2 Sess., 379, (December 13, 1822.)

²⁴¹ Waring and Cable, *op. cit.*, 45.

²⁴² Emory R. Johnson, T. W. Van Metre, G. G. Huebner, and D. S. Hancett, *History of Domestic and Foreign Commerce of the United States*, (2 vols., Washington, 1922), II, 18-19.

system and the British orders in council, for the United States finding itself crushed between the upper and nether millstones, adopted the retaliatory policy of the embargo.²⁴³ No sooner was this lifted than the War of 1812 took place and British cruisers accomplished even more effectively the bottling up of United States vessels.²⁴⁴ The years 1807 to 1815 were ones of stagnation and commercial inactivity. In the same degree the influence of the European conflict on the Latin American states furthered this period of dullness. The prosperity of Santo Domingo had been wrecked by the slave insurrection, the French West Indian islands had been captured by the English, and the devastation and turmoil of the Spanish colonies with which New Orleans would logically trade, precluded an extensive intercourse with those places.

The subject of commerce is a difficult one to handle because of the scarcity and fragmentary nature of available information, and the unsatisfactory statistical records—an almost maddening case of finding everything but what is wanted. There are statistics for the total exports of New Orleans, but not subdivided as to destination, or the list of exports of the United States to South America, but no differentiation as to ports from which forwarded. Sometimes, on rare occasions, when usable figures are found they are for only one year, offering no basis for comparison. Therefore, the conclusions drawn as to the nature and volume of trade are based entirely on detached items found here and there in contemporary newspapers, the list of vessels in port, their destination and cargo, the advertisements of local merchants offering for sale the products of Hispanic America, and the announcements of ship-captains or their agents of passage or freight to these regions. This method leaves much to be desired, for though it gives a general idea of the volume and direction of the commerce, it does not permit a scientific analysis.

On the other hand this commercial phase is more truly Latin American, for instead of being restricted principally to Mexico, as were the others, it involves many more countries. The list of vessels in the Mississippi on an average day in 1811 showed two from Havana, one from St. Croix, one from Barbados, three from Jamaica and one from Santiago de Cuba.²⁴⁵ On other occasions there is notice of the auction of the sails and rigging

²⁴³ *Ibid.*, II, 30.

²⁴⁴ *Ibid.* By 1814 the commerce of the United States had almost become nonexistent.

²⁴⁵ *Louisiana Gazette*, April 17, 1811.

of the brig *Neptune* from Honduras,²⁴⁶ and of the sailing of the ships *Felicity* and *Brother and Sister* for "the Havanna".²⁴⁷ But to those who envisioned New Orleans as trading with all the ports of South America, it must be pointed out that while American ships had traded with Brazil, the viceroyalty of LaPlata, Peru, and the Guianas even, in the latter part of the eighteenth century,²⁴⁸ no New Orleans ships were ever recorded as having visited these sections.²⁴⁹ Boston, New York, Philadelphia, and Baltimore, in addition to being geographically nearer, were the great financial centers, the seat of important mercantile establishments, and the home port of practically all United States shipping, while New Orleans as yet gave only promise of its future glory and was important, so far as foreign trade was concerned, only as an exporting point. The character of the commodities handled also in great measure accounted for this, for while the far south demanded shoes, gin, codfish, and furniture,²⁵⁰ the articles from New Orleans to the Spanish colonies consisted principally of the products of the Mississippi valley, such as flour, bacon, lard, and earthenware.²⁵¹

On the whole, the commerce of New Orleans followed the general trend of that of the United States. From 1807 to 1815 there was a steady decline. In 1809, the total vessels entered at the customhouse had been 267,²⁵² in 1810 only 106,²⁵³ while by 1811 the shipping news of the *Louisiana Gazette* showed that of the forty-one ships in port on that day, thirty-one were tied up and idle.²⁵⁴ When the news of war with England reached the city, the state of things got even worse, for all these ships which had heretofore been proffered for charter were advertised for sale,²⁵⁵ and from June 9 to October 27, 1814, in the midst of the period of greatest depression, only one ship was offered for Latin America, and that one a Spaniard for Havana.²⁵⁶ With the restoration of

²⁴⁶ *Ibid.*, December 10, 1810.

²⁴⁷ *Ibid.*, April 12, 1810.

²⁴⁸ Charles Lyon Chandler, "United States Commerce with Latin America at the Promulgation of the Monroe Doctrine", in *Quarterly Journal of Economics*, (May, 1924), XXXVIII, 466-467.

²⁴⁹ In 1810 though twenty United States merchant vessels came to Buenos Ayres, none were from New Orleans. Charles Lyon Chandler, "United States Shipping in the LaPlata 1809-1810", in *Hispanic American Historical Review*, (May, 1920), III, 167.

²⁵⁰ Manning, *op. cit.*, I, 491-492.

²⁵¹ *Louisiana Gazette*, April 5, 1819.

²⁵² *Ibid.*, September 20, 1810.

²⁵³ *Ibid.*

²⁵⁴ *Ibid.*, November 11, 1811.

²⁵⁵ *Louisiana Courier*, August 24, 1812.

²⁵⁶ *Louisiana Gazette*, June 9 to October 27, 1814.

peace the activity which characterized the renaissance of trade throughout the United States became immediately apparent in New Orleans. From 1815 to 1819 expansion was phenomenal, bringing on the crash of 1819. After a short period of fluctuation and uncertainty, commerce regained an even keel, and the trend upward was resumed at a higher level than before.

But in many respects the trade of New Orleans differed from that of the other ports. It had not been completely paralyzed as had that of the Atlantic seaboard in 1807 and 1808, for the embargo was not so strictly enforced in the Gulf,²⁵⁷ and westward expansion and the introduction of the steamboat on the Mississippi and its tributaries further alleviated the ill effects. In 1819 the settlement of the West reduced the crisis, for the increasing produce coming down the river to New Orleans ameliorated the distress felt there and enabled that city to weather the panic more successfully than other sections. Though the Latin American trade flourished more following the Treaty of Ghent than ever before, it did not keep pace with the tremendous expansion in coastwise and European traffic.²⁵⁸ This was attributable to many causes. The insurrections and continual warfare in the Spanish colonies had disrupted methods of communication, increased brigandage, and so impoverished those sections that they offered no profitable market for American goods.²⁵⁹ Spanish blockades of certain coasts, and the depredations of pirates in the Gulf and Caribbean, were additional evils. Lastly, the immediate hinterland of New Orleans was becoming a cotton-raising region, and that commodity, none of which went to Hispanic America, accounted for much of the new export tonnage.²⁶⁰

The most important, most regular, and oldest trade was that in grain. It had flourished extensively under the French and Spanish regimes, for the West Indian colonies of those countries, failing to produce the foodstuffs necessary for their population, had counted upon Louisiana for much of their food supply. With the settlement and development of the Mississippi valley this commerce increased prodigiously and New Orleans became the

²⁵⁷ W. F. Galpin, "The Grain Trade of New Orleans 1804-1814", in *Mississippi Valley Historical Review*, XIV, 500-501.

²⁵⁸ *Louisiana Gazette*, December 30, 1816. Of the 108 vessels in port on that date only four were for the Latin American trade.

²⁵⁹ *Ibid.*, January 25, 1816. Colonial products such as sugar, cocoa, coffee, logwood, leaf tobacco, and copper were much in demand in the New Orleans market at this time, and the *Louisiana Gazette* expressed a wish that the war might cease so that these articles could once more be readily obtained.

²⁶⁰ Johnson and others, *op. cit.*, II, 34.

greatest flour exporting port. Between 1804 and 1814 a total of 226,554 barrels were exported, 44½ per cent going to the West Indies, chiefly Cuba and Santo Domingo, 14 per cent to Pensacola, at that time in Spanish possession,²⁶¹ and the rest mainly to Europe.²⁶² In the first six months of 1819, of the ships entering Havana with cargoes of flour, thirty-nine were from New Orleans, more than from any other port in the United States. In volume of trade, however, Baltimore was first with 21,659 barrels while New Orleans was second with 15,759 barrels.²⁶³ By the end of that same year Baltimore was first in both number of vessels and in volume, with sixty-three ships and 51,020 barrels, Philadelphia had climbed to second place with thirty-three ships and 18,551 barrels, and New Orleans was third with forty-six ships and 17,058 barrels.²⁶⁴ These figures bring out two points of interest—the first, that ships from New Orleans were of small burden, usually schooners and brigs (to enable them to cross the bar at the mouth of the Mississippi), for while more numerous they carried less freight, and, secondly, that the traffic from New Orleans was seasonal, fifteen thousand of the seventeen thousand barrels having been shipped in the first six months. But conditions were not always so favorable in Cuba, for in 1820 French ships had flooded the market and so lowered the price that it would be useless for New Orleans merchants to send flour there, although it could be purchased in that city for three dollars a barrel.²⁶⁵

Flour was also exported to Honduras,²⁶⁶ Campeachy,²⁶⁷ Port au Prince,²⁶⁸ St. Bartholomew,²⁶⁹ and Matanzas.²⁷⁰ Mexico and the Spanish Main raised enough ordinarily both to supply their needs and to sell abroad, but sometimes certain conditions arose which made it necessary for those countries to procure this commodity from New Orleans. In 1812, the patriots having cut off all communication between Vera Cruz and Mexico, the price of

²⁶¹ While Florida remained a Spanish possession until 1821, in this study it has not been considered a part of Latin America for its history is more intimately connected with that of the United States than it is with that of Hispanic America. The commerce between New Orleans and Pensacola was extensive, more ships engaging in this traffic than to any Latin American port. As with the West Indies the principal trade was in breadstuffs.

²⁶² Galpin, *loc. cit.*, XIV, 500-501.

²⁶³ *Niles' Register*, XVI, 383, (July 31, 1819.)

²⁶⁴ *Ibid.*, XVII, 418, (February 12, 1820.)

²⁶⁵ *Louisiana Gazette*, July 6, 1820.

²⁶⁶ *Ibid.*, July 25, 1819.

²⁶⁷ *Ibid.*, August 2, 1819.

²⁶⁸ *Ibid.*, April 19, 1819.

²⁶⁹ *Ibid.*, April 12, 1819.

²⁷⁰ *Ibid.*, May 10, 1819.

flour rose to forty dollars a barrel.²⁷¹ At another time in 1817 it was at twenty dollars per barrel at Vera Cruz.²⁷² But the export of flour from New Orleans to New Spain was never important, for it was only in exceptional cases, when port towns were cut off from the interior, that the price warranted this traffic. In fact wheat was so plentiful a crop that a traveller passing through Mexico in 1819 prophesied that should turmoil ever cease and the means of transportation be improved to the extent that the produce of the interior could be carried to the ports, Mexican grain would successfully compete with that from the United States at Havana.²⁷³ In 1812 occurred the great earthquake levelling Caracas. As a charitable gesture, the Congress of the United States passed a bill providing for the sending of "provisions of flour and breadstuffs to the earthquake victims" of that city.²⁷⁴ It is interesting to note that these supplies were shipped from Baltimore, Philadelphia and New York,²⁷⁵ and that New Orleans, no doubt because of its distance from Washington had no share in furnishing this relief.

Though the Spanish Main was the only section of the continent of South America with which New Orleans ever had intercourse, the connection was never as active as that with Havana and Vera Cruz. In 1813 a Mr. Dupeyrou announced that "a number of passengers are desired on board a vessel to sail for Carthagena,"²⁷⁶ and in 1818, one hundred and fifty Santa Marta hides were advertised for sale,²⁷⁷ but the number of ships plying this trade was negligible and the references to imports from there and exports to that region were rare and unimportant. Possibly the chief cause of this was the blockade policy early adopted by the Spanish government. In 1810 its consul in New Orleans announced that as the provinces of Guavana and the districts of Maracaibo and Coro had re-acknowledged the authority of the mother country, "certificates and other documents necessary shall be granted by this office to all vessels which shall sail for said ports", but that "as the other ports in insurrection are shut to all neutral commerce, any vessel which shall be found without such documents carrying succour to the insurgents shall be declared a good prize."²⁷⁸ For

²⁷¹ *Niles' Register*, III, 336, (January 23, 1813.)

²⁷² *Louisiana Gazette*, February 7, 1817.

²⁷³ Bonnycastle, *op. cit.*, 45.

²⁷⁴ *Congressional Debates*, 12 Cong., 1 Sess., 1348-1351, (April 29, 1812.)

²⁷⁵ Manning, *op. cit.*, I, 16.

²⁷⁶ *L'Ami des Lois*, September 2, 1813.

²⁷⁷ *Ibid.*, November 29, 1818.

²⁷⁸ *Louisiana Gazette*, August 31, 1810.

a time this blockade of long stretches of seacoast caused no trouble, for it was not strictly enforced and coincided with the dull period in American commerce. In 1816, however, Morillo inaugurated a vigorous campaign to subjugate the revolutionists and as a means to that end issued a proclamation declaring the coast between Santa Marta and the river Atrato interdicted.²⁷⁹ Despite the objections of the United States against this "paper blockade",²⁸⁰ Morillo refused to abandon it, and several American ships were confiscated, among them the *Charles Stewart* of New Orleans, and their crews thrown into dungeons at Santa Marta.²⁸¹ This imprisonment caused such agitation in the United States that Cristopher Hughes was commissioned to go on the frigate *Macedonian* to obtain their release.²⁸² Hughes was partially successful and among those released were "Messrs. Cooper of Baltimore and Stanley of New Orleans." Captain Easton of the *Charles Stewart* had already "made his escape taking the centinel along with him."²⁸³

New Orleans seems to have had one further connection with the Spanish Main, that of being a haven for its refugees from the fortunes of war. It is impossible to tell how many of these sought shelter in Louisiana, for unless they were prominent or connected with some extraordinary incident their arrival was unnoticed. In 1813 a schooner arrived from Carthagena having on board as passenger the bishop of that city who had been compelled to leave when the insurgents had taken possession.²⁸⁴ In 1816, Don Francisco Garcia del Fierro, nephew of the governor of Carthagena, was in New Orleans and by means of letters to the *Louisiana Gazette* engaged in a pen duel with one Salcedo over the trial of William Mitchell which was then in progress. It appears that Mitchell had been a member of the patriot forces at Carthagena, and upon the evacuation of that place by the revolutionists he had taken on board as refugee the governor. But once out to sea the governor was robbed and marooned on a small island and Mitchell proceeded to New Orleans. There tried for piracy, he had been acquitted mainly on the testimony of Salcedo. It was this testimony that Fierro attacked, saying that information from his uncle had reached him to the effect that Mitchell had acted in the most

²⁷⁹ *Ibid.*, May 19, 1816.

²⁸⁰ Manning, *op. cit.*, I, 26.

²⁸¹ *Ibid.*, II, 1169.

²⁸² *Ibid.*, I, 25-26.

²⁸³ *L'Ami des Lois*, August 3, 1816.

²⁸⁴ *Courier de la Louisiane*, January 25, 1813.

atrocious manner, and that Salcedo's account was but a "tissue of lies".²⁸⁵ Salcedo in reply stated that Fierro was a depraved individual, and that he had forsaken the service of his country to engage in shady commercial ventures in New Orleans.²⁸⁶ The whole controversy is filled with abuses and recriminations of the worst sort, covers several issues of the *Louisiana Gazette*, and reflects the intrigue then going on in New Orleans.

The trade between New Orleans and New Spain was carried on through two channels: by sea with Vera Cruz and Yucatan, and by land over the long, arid, difficult route passing through Natchitoches, Nacogdoches, San Antonio, Monterey, and finally ending in Mexico City, a distance of 1549 miles.²⁸⁷ The land route tapped the resources of the northern states and the commerce which passed over it constituted primarily a trade with the Indians from whom were obtained gold, silver, skins, hides, and horses, in exchange for small manufactured articles, especially arms.²⁸⁸ In the early days it had been clandestine but tolerated by Spain, and Natchitoches had developed into quite a trading post. The disorders and brigandage of the Neutral Ground dealt it its first blow, later the desolation of Texas by successive bands of ruffians all but stopped it, and not until the 1820's was it revived by the stream of American immigrants which used this road.

By sea, when Louisiana was under the Spanish regime, had come great quantities of specie which flowing from Vera Cruz had made for prosperity.²⁸⁹ With the change of governments this trade fell off and New Orleans for many years suffered from a shortage of currency, the scarcity of which was attributed to the piratical smuggling trade²⁹⁰ and the revolution. From time to time a little silver trickled in but in the main business was so handicapped that when Congress enacted a law "providing that from and after the first of November, 1819, foreign gold coins should cease to be current in the United States," the General Assembly of Louisiana forwarded the following petition to the United States Senate:

Your honorable body must know that the annual proceeds of the Mexican mines having greatly diminished, by reason

²⁸⁵ *Louisiana Gazette*, June 10, 1816.

²⁸⁶ *Ibid.*, June 17, 1810.

²⁸⁷ William Darby, *The Immigrant's Guide to the Western and Southwestern States and Territories*, (New York, 1818), 47.

²⁸⁸ Ashe, *op. cit.*, 308.

²⁸⁹ Gayarré, *op. cit.*, IV, 15.

²⁹⁰ *Niles' Register*, VI, 319, (July 9, 1814.)

of the revolution of that colony, the exportation of precious metal which was formerly carried on from that country to Louisiana, has been necessarily affected by that reduction and that, on the other hand, the perils attendant at all times on that kind of commerce have increased beyond all measure, in consequence to the enterprises of a lawless band of pirates attracted by hopes of plunder in the Mexican Gulf. The General Assembly without fearing the imputation of exaggeration, declare that the consequences of these several causes has deprived the United States of more than four million dollars, which would have been brought to New Orleans during the last eight years.

Whatever may be the case as to that fact, and however small the amount of gold specie lately brought into this place from Mexico it had, nevertheless, the effect of augmenting our facilities for exchange. . . .

But the General Assembly do not perceive that that object has been fulfilled; and even had it been, they could not have viewed without regret the adoption of a measure which tends sensibly to affect the commercial relations which have always existed between Louisiana and Mexico, and which would flourish as formerly if a more immediate protection was extended to our navigation in those quarters and the above mentioned law repealed.²⁹¹

Though the law was not repealed as had been requested, peace in Mexico and the destruction of the piratical nests in the Gulf resulted in renewal of this flow of specie.²⁹²

With regard to other commodities, the chief trade was with Vera Cruz and Yucatan, from which was obtained logwood, mahogany, cochineal, pimento, and vanilla,²⁹³ articles which were readily sold in New Orleans at a good price, for this commerce was attended with many difficulties, and to which were exported in return, flour, lead, earthenware, tar, marble slabs, and the all inclusive "merchandise".²⁹⁴ From 1815 to 1821 commerce was but ordinary due to causes already listed but following the expulsion of the Spanish, and with the expansion of American shipping in the Gulf, relations with Mexico became common. At almost any time it was possible to get a ship for Vera Cruz and many persons, impelled by tales of the opportunities there, proceeded

²⁹¹ *American State Papers, Finances* III, 530-531.

²⁹² *Niles' Register*, XXI, 223, (December 1, 1821.)

²⁹³ Bonnycastle, *op. cit.*, 56.

²⁹⁴ *Niles' Register*, XXII, 279, (June 29, 1822.)

via New Orleans.²⁹⁵ The questionable though by no means insignificant trade with the establishment at Galveston must not be overlooked. While most merchants vehemently protested against this settlement, there were no doubt others who made money selling provisions and implements to the various bands who had headquarters there and equipping the numerous expeditions to Texas. Most of the plunder amassed by these individuals also ultimately found its way into Louisiana—the illegal slave trade, already noted, being the most pernicious. Ships from Galveston were frequently found in the port listings, and the close connection which developed between the two places disseminated in New Orleans a knowledge of Texas which later, with the settlement of the region, rebounded to that city's advantage.

The exports of New Orleans to Cuba and Santo Domingo consisted almost entirely of grain, but pork, lard, butter, bacon, codfish, tobacco, tar and dry goods formed part of the cargoes.²⁹⁶ In return Cuba shipped large amounts of sugar and coffee, and lesser quantities of tamarinds, plantains, watermelons, pineapples, limes, oranges, and cigars.²⁹⁷ The enormous amount of flour and other commodities which entered into this traffic made New Orleans one of the most important sources of supply for Cuba. In 1823 that city ranked third in amount of American tonnage entering Havana.²⁹⁸ While the commerce with Santo Domingo or Haiti was not as great, the products entering into that trade were similar to those of Cuba. In 1816, a curious incident involving a citizen of New Orleans took place in Haiti, and caused comment throughout the United States. Elias Duplessis, supercargo of a vessel from New Orleans to Cape Henry, was arrested on a charge of being a French spy and imprisoned for several months.²⁹⁹ His case was taken up by Governor Claiborne, who dispatched the *Firebrand* to effect his release. Upon proof of his innocence being submitted to the king of Haiti, he was allowed to return to the United States.

The commercial relations of New Orleans with the remaining sections of Latin America can be dismissed in a few words. Throughout the entire revolutionary period the files of New Orleans newspapers contain no mention of trade with the Pacific

²⁹⁵ Among the most prominent Americans who undertook financial projects in Mexico was General James Wilkinson. Departing from New Orleans in 1822, he spent two years there.—*Louisiana Courier*, February 17, 1824, and *Niles' Register*, XXII, 183, (May 16, 1822.)

²⁹⁶ *Louisiana Gazette*, April 8, 12, 17 and May 10, 1819.

²⁹⁷ *Ibid.*, June 8, 1820.

²⁹⁸ *Niles' Register*, XXV, 359, (February 7, 1824.)

²⁹⁹ *Ibid.*, XI, 14, (August 31, 1816.)

coast, nor does there appear to have been any. The *Louisiana Gazette* of March 16, 1819, stated that "there is now in this city a captain of an American vessel who left the river of Plate in December last" and followed this item with an editorial comment to the effect that it was surprising that New Orleans should have as late accounts from Buenos Ayres as from Mexico.³⁰⁰ Whether this captain came to that port directly from LaPlata is not specified, but in the 1820's commerce with the eastern coast of South America seems to have begun, for in 1824 James W. Zacharie was appointed as "vice consul of his imperial majesty the Emperor of Brazil for the states of Louisiana and Alabama, to reside at New Orleans."³⁰¹ In view of the important position occupied by New Orleans in Central American trade today, it is interesting to find that except for the importation of some logwood and mahogany, no relations existed. The Caribbean coast of this section, however, was at this period still in a savage state, inhabited mostly by Indians, and comparatively unknown as no important insurrectionary movement had occurred there.

CHAPTER V

NEWSPAPERS AND PUBLIC OFFICIALS

On November 7, 1810, the *Louisiana Gazette* for the first time apprized its readers of a revolutionary uprising in New Spain.³⁰² This news item, a letter from Santa Fé to Caracas, brought from the latter place to Baltimore, printed in the *Federal Gazette* of that city, and copied by the *Louisiana Gazette*, admirably illustrates the roundabout way in which all early information concerning the revolting colonies reached New Orleans. Partly because of this great difficulty in obtaining news but also because of the journalistic methods of those days,³⁰³ references in the New Orleans press

³⁰⁰ *Louisiana Gazette*, March 16, 1819.

³⁰¹ *Niles' Register*, XXVII, 168, (November 13, 1824.)

³⁰² *Louisiana Gazette*, November 7, 1810.

³⁰³ "As the historian turns over the yellowing pages of the newspapers published in the first days of the nineteenth century, he cannot fail to be impressed with the greater prominence given to news from far-away Europe than to events in the near-at-hand America. The movements of crowned heads, the arrivals and departures of armies, the utterances of statesmen, the celebrations of the glories or the criticism of the policies of Napoleon,—these meant more to the editor of those days than the local events to which so much importance is attached in the newspaper of today. And apparently his readers felt that way too. What use was there to read the details of events happening in the city right under one's nose, as it were—matters which everybody knew about and which were discussed over the marble-topped tables in Maspero's coffee house, hours, if not days before the editor heard of them?"—John S. Kendall, "Early New Orleans Newspapers", in *Louisiana Historical Quarterly*, X, 383. It is this poor reporting of local news and the lack of editorial comment which prevents more information being obtained on the intrigues and activity of the Spanish and patriot agents in New Orleans.

to these events were scarce. What few items did appear were transcriptions from other papers, chiefly those of New York, Boston, Baltimore, and Philadelphia, showing that those ports were in closer touch with Latin America, and that New Orleans was in no way implicated in the initial efforts. Until the end of the Wars of Independence, South American news continued to be obtained in this way, and being the most important and plentiful it was given more space, thereby overshadowing the patriotic activities connected with Louisiana. But beginning about 1812 when the various expeditions to Texas were undertaken, New Orleans was the first to obtain news of them and relayed this information to the East. Because of this, therefore, the few items of Latin American news found in other papers and labeled as coming from New Orleans treated of either the revolutionary activities in the southwest, of the privateering and piracy so closely allied with it, or were simply general descriptions of the region. These articles, unfortunately were at times unreliable both as to place, names and characters, being based largely on hearsay evidence. Estimates as to the number of men who partook in the various adventures were also inaccurate and usually grossly exaggerated. It was for this reason, therefore, that no attempt was made in this study to give figures as to the number of persons involved.

The newspapers published in New Orleans from 1810 to 1824 reflected not only the opinion of the various factions, but emphasized the divergence of interest and sympathies of the different racial elements. Besides the journals in French and English, there were some in Spanish, though the latter were of small importance and led a checkered existence. *El Misisipi* was published from 1808 to 1810, being both in Spanish and English, and "*El Mensajero* is known to have been issued as early as 1810."³⁰⁴

The oldest of the New Orleans newspapers, the *Moniteur de la Louisiane*, was the poorest from the standpoint of conveying historical information about local conditions and Latin America. Crude in appearance, devoid of commercial interests, and being entirely in French, it was devoted primarily to European topics, the activities of Napoleon of course predominating.

The *Louisiana Gazette*, running for the entire period here discussed except for a short time in 1814 and 1815 when the city was in the throes of excitement caused by the British invasion, was

³⁰⁴ John S. Kendall, "The Foreign Language Press of New Orleans", in *Louisiana Historical Quarterly*, XII, 364.

by far the best for factual and comprehensive information. Anti-Jeffersonian and anti-French, it represented the conservative American element. In contrast to many contemporary journals, of which *Niles' Register* was typical, it did not hail with enthusiasm the insurrectionary movements. In publishing the text of the Venezuelan Declaration of Independence it was strangely pessimistic, and commented as follows:

Much as we wish them success in their attempt to establish a free and independent government, still it appears to us that the great essentials for freedom are wanting. The celebrated Mons. Despons gives us such a picture of the inhabitants of Venezuela, that if it is anything near the truth, little hope can be entertained for rational liberty on republican principles being established. An aristocracy, the government of nobles will most probably be the government best suited for these people.³⁰⁵

Later on Bruner, the *Louisiana Gazette's* editor, showed unusual insight into the difficulties confronting the patriots when he said that though their cause was a holy one the same results as achieved by the United States could not be expected because of the Spanish background of autocratic and religious repression. With prophetic shrewdness he predicted that Latin America would be the arena of various battles and upsets for some time to come.³⁰⁶ This lack of sympathy was also manifested by the slighting of Hispanic American news in preference to other, and the fact that public notices of the Spanish Consulate were found only in the *Louisiana Gazette*.

Up to 1817 this paper was published in English, but in that year a French section was added under the editorship of Duhy, later to become a famous journalist. The French part proved to be much more partial to the patriots, printing more news of events to the south, and commenting editorially, thereby reflecting to a greater extent the sentiment of the paper than had the arid transcriptions met heretofore.

The *Louisiana Gazette* was the organ of the business man and the merchant. Early opposed to the French privateers who hovered at the mouth of the Mississippi, it subsequently took up the fight against the "patriotic" piratical nests. In speaking of the former it said:

³⁰⁵ *Louisiana Gazette*, October 2, 1811.

³⁰⁶ *Ibid.*, February 6, 1818.

We find the American coast lined with French privateers, and New Orleans the grand depot of their robberies. Surrounded by water as we are, no city in the United States presents such an inviting situation; and along with that, the number of inhabitants that have been thrown by fate of war on our shores, who have long practiced and have felt the beneficial effects of the honorable profession of privateering, secure to those freebooters many friends here. . . .

We particularly request the collector and naval officers to be on the alert—to look to the southward and eastward—from those small bays and inlets the goods, wares, and merchandise, plundered at sea, are introduced into our city.³⁰⁷

An exponent of protection for the commerce of Louisiana, their paper opposed the embargo, criticized the government for engaging in the War of 1812, and continually demanded the increase of the naval establishment in the Gulf of Mexico.

Only once did the *Louisiana Gazette* become vociferous against Spain. This was in connection with an incident occurring in 1816—the attack upon the United States warship *Firebrand* by some Spanish vessels.³⁰⁸ Having sailed from New Orleans, the *Firebrand* was cruising in the Gulf when fired into and forced to strike its colors by a superior force.³⁰⁹ When news of this reached New Orleans, there was immediately talk of war. While other papers outdid themselves in demanding retaliation, the *Louisiana Gazette* simply discussed the possibility of hostilities being undertaken, but even in this connection no mention was made of the help such action would be to the Spanish colonies.

In striking contrast to the *Louisiana Gazette's* coolness toward the patriot cause was *L'Ami des Lois's* fervent support of it. Championing the expeditions to Texas and in an effort to induce others to undertake like projects, it published long articles of voyages made to the Interior Provinces and painted in glowing colors the possibilities of these regions.³¹⁰ Whenever information as to the progress of the revolution was obtained it was given a prominent place and favorably commented upon. An unusual attraction was that offered by Louis Massicot, secretary of the Gutierrez-Magee army, who from time to time forwarded to *L'Ami des Lois* a resume of the success of that band and in this way

³⁰⁷ *Ibid.*, September 18, 1811.

³⁰⁸ *Ibid.*, September 11, 1816.

³⁰⁹ *Niles' Register*, XI, 108, (October 9, 1816.)

³¹⁰ *L'Ami des Lois*, July 3, 1813. Also the account written by Ellis P. Bean mentioned previously in another connection.

afforded the New Orleans public the rare opportunity of obtaining at first hand such news. Unfortunately Massicot was killed in battle and these interesting accounts ceased.³¹¹ Conforming to the general rule of all the bi-lingual journals, the French part was more sympathetic and devoted more space to Latin American topics. Another feature of *L'Ami des Lois* was its warning and criticism of other newspapers for what they claimed was the dissemination of false news derogatory to the patriots. It was the common practice of the Spanish agents in New Orleans to forward to the northern newspapers accounts of royalist successes purported to have recently come from New Spain.³¹² In the same connection, to dispel the uncertainty engendered by the presence of Aury's fleet at the Balize, the following comment appeared:

There have circulated these few days past, many ridiculous reports as to the nature and objects of the expedition under the Carthaginian flag which touched at the Balize,—the interested enemies of the independence of South America have not failed to represent them as a collection of pirates united for the purpose of pillaging on the seas, and smuggling on our coast. The editor of the *Orleans Gazette* without giving implicit faith to these reports has yet given to them some importance. . . .

To dissipate vain alarms and at the same time hinder the discredit of an expedition that may hasten the inevitable fall of the tyrants of the new world, we now publish on this head, information which may be relied on.³¹³

L'Ami des Lois did not confine itself simply to praise of the patriots. It violently opposed Spain whenever possible, condemned Spanish institutions, and even advocated the direct intervention of the United States. This objective propaganda reached its height on the occasion of the *Firebrand* incident. Immediately upon receipt of this news a very belligerent article was published in which it was stated that this unprovoked attack climaxed the affronts of Spain and that war would no doubt soon follow.³¹⁴ On September 17, 1816, there appeared the following item:

There is little doubt that in consequence of an unexampled outrage upon the national flag, and the measures of retaliation adopted by the naval commander at the New Orleans station, that our country is on the eve of war. It is proposed

³¹¹ *Ibid.*, July 22, 1813.

³¹² *Ibid.*, December 18, 1816.

³¹³ *Ibid.*, August 5, 1816.

³¹⁴ *Ibid.*, September 11, 1816.

therefore, that a meeting of the citizens of New Orleans be held on Thursday at 12 o'clock at Maspero's coffee house in order to express in a respectful address to the executive of the United States our indignation at the outrage upon our flag, and our readiness to support the government in such measures as it may take in order to obtain satisfaction for the same.³¹⁵

Such a meeting was held at which Joshua Lewis presided and Peter K. Wagner acted as secretary, and a resolution was passed the text of which appeared in *L'Ami des Lois*.³¹⁶

Animosity towards Spain took on even another form. As can be seen by the article below, American citizens were urged to violate the neutrality laws and undertake that type of project against which DeOnis specifically protested.

It is said that several privateers are fitting out in the Atlantic ports with commissions from Buenos Ayres, to cruise against the Spaniards. The stagnation of trade may induce many to risk their capital in any enterprise which holds out even the prospect of extraordinary gain. The recent success of Almeda and others will also induce numbers to try their fortunes—and a cruise against the Dons has always been popular with the American as well as the British tar.³¹⁷

After 1818 the news found in *L'Ami des Lois* lost much of its value as a source of information bearing on the relations between New Orleans and Latin America. There were still items of this sort but they all emanated from other papers and were simply a recitation of what was happening in South America, particularly on the west coast. The commercial news was inferior to that of the *Louisiana Gazette* and the articles were longer and on definite subjects rather than short notices of current events.

Midway between the *Louisiana Gazette* and *L'Ami des Lois* with regard to sentiment toward the patriotic efforts was the *Louisiana Courier*. The official paper of the municipality and the state, it contained a fair amount of local information and stressed personal items but was not so good for general news, as most of it consisted of the proceedings of the Latin American governing bodies and long accounts of battles. Like the *Louisiana Gazette* it condemned the piratical activities in the Gulf and later those in Cuban waters. The following editorial appearing in 1820 shows

³¹⁵ *Ibid.*, September 17, 1816.

³¹⁶ *Ibid.*, September 20, 1816.

³¹⁷ *Ibid.*, October 10, 1816.

that New Orleans because of its proximity to these atrocities was in a better position to appreciate their horror.

When, two or three years ago, we expressed our apprehensions of the effect of the system of privateering, under foreign flags, on the morality of our citizens, we were snubbed by certain Editors at Baltimore and elsewhere, as being inimical to the cause of the Patriots, as lukewarm in the cause of freedom, and what not besides. But our forebodings have been too fully realized. To hold up the mirror of vice; to depict their true colors, the necessary consequences of the practices we have deprecated, we wish we could find room for the whole of an account of the cruise of the Buenos Ayrean ship *Louisa*, which sailed from Baltimore, where she was equipped and manned just about the time we were blamed by the defenders of privateering, for casting censure on it. We have not room for that; but we extract the following of a still more atrocious character, to give our inland readers an idea of what piracy is, in its most horrible aspect.³¹⁸

There followed an account of the capture and massacre of the crew of the ship *Ann*.

In addition to obtaining the sentiment of the newspapers and finding out what importance was attached to the events in progress in the Spanish colonies, it is interesting to study the outlook and opinion of certain prominent men who in their official capacity were intimately associated with current affairs. From the moment Claiborne took office he was confronted with the problem of the neighboring Spanish territory. At the inception of the revolutionary movements in Venezuela, Mexico, and Buenos Ayres, and following the occupation of West Florida he corresponded with Governor Folch of Pensacola and the Captain General of Cuba, writing them letters "alike firm and conciliatory", for Louisiana at that time was considered extremely exposed and vulnerable, and it was essential to maintain, if such a thing were possible, amicable relations with Spain.³¹⁹ But though Claiborne professed the best of intentions he was, in 1810, at heart an expansionist. His favorite project was the annexation of Cuba, for, as he said, "there is nothing I so much desire as to see the flag of my country reared on the Morro Castle. Cuba is the real mouth of the Mississippi and the Nation possessing it can at any time command the trade of the Western States."³²⁰ As rumors of a rebellion in

³¹⁸ *Louisiana Courier*, August 14, 1820.

³¹⁹ *Claiborne Letter Books*, V, 59.

³²⁰ *Ibid.*, V, 62.

Cuba were rife in New Orleans the time seemed propitious and Claiborne in making his reports to the Secretary of State took every opportunity to press this project. But his attention was soon turned westward by the news from New Spain. Hearing that the former commercial restrictions had been lifted by the patriots,³²¹ and heartily in sympathy with their efforts, he immediately began discreetly to urge upon Robert Smith the advisability of the United States assisting them. Depicting the political and economic advantages to be derived,³²² he also pointed out the desirability of having as a neighbor a state whose government would be modeled after that of the United States. But Madison was not in a position to antagonize Spain, so these suggestions were apparently disregarded. In addition, under pretext of aiding the liberal cause, the disorderly element of the Neutral Ground robbed the inhabitants of Texas and preyed upon the trade passing along the route between Natchitoches and Nacogdoches. With the arrival of Gutierrez, the question of the violation of the neutrality act further discredited the patriot cause. Claiborne found it necessary to condemn these expeditions; but though he outwardly seemed conscientiously to enforce the laws, directing the military and civil officials to be on the lookout for unlawful enterprises, he secretly cherished a desire to see Mexico either in American hands or under a patriotic government in close accord with that of the United States. While Claiborne was always guarded in his letters to Robert Smith, he seems to have been on intimate terms with Paul Hamilton, Secretary of the Navy, and his letters to him are sanguine expressions of the expansionist ideals. A passage from a letter written December 5, 1811, is as follows:

If hostilities ensue the occasion should be embraced, to banish all European influence from the Continent of America. Mexico should without delay be rendered free and independent. Fifteen thousand American Troops, marched to St. Antoine in the Province of Texas, & one hundred thousand muskets would be equal to the object.—The Island of Cuba also should be early attended to.³²³

Later on, however, when more definite information with regard to affairs in New Spain was obtained in New Orleans, Claiborne lost confidence somewhat in the ability and sincerity of the leaders and realized that the struggle would be a long one.³²⁴

³²¹ *Ibid.*, V, 174.

³²² *Ibid.*

³²³ *Ibid.*, V, 396.

³²⁴ *Ibid.*, V, 162.

The disorders and intrigue which the various agents provoked in New Orleans, the necessity of enforcing the United States' neutrality, and the press of British danger, also accounted for a slight cooling of Claiborne's ardor.

From 1811 to 1813 Claiborne was much concerned with the fate of Hargrave, Cyrus Sibley, and other Americans imprisoned at Havana for their part in the West Florida insurrection.³²⁵ Carrying on quite a correspondence with the Captain General of Cuba³²⁶ and Messrs. Shaler and Gray, agents of the United States in Havana,³²⁷ he urged that these men be freed, stating to the latter that he was the "more solicitous for the liberation of Hargrave and his Companions, since it would tend to put down, all that ill-will which the citizens of Baton Rouge, and the Settlers on the Tombigbee now feel towards the Spanish authorities at Mobile and Pensacola; and which should those men be executed, I shall find great difficulty in controlling."³²⁸ He was also responding to the demands of Hargrave's wife and persons of influence in the Mississippi Territory and wished to show the inhabitants of the newly acquired West Florida that their interests were being looked after.³²⁹ In connection with these efforts to free these men Claiborne forwarded to the Captain General of Cuba a copy of a letter addressed to Diego Morphy, in which he directed that certain Spanish sailors who had been "plundered at sea by a French privateer and had arrived at New Orleans in great distress", be transported back to Vera Cruz in the United States brig *Siren*.³³⁰ But this charitable and friendly gesture was wasted on the Captain General, and it was not until 1816 that Hargrave was finally freed.³³¹

In the sphere of national politics Louisiana was represented by Thomas Bolling Robertson, a most ardent admirer of the revolting colonies. While Henry Clay has been credited with being the pioneer exponent of Latin American independence this distinction rightfully belongs to Robertson, who prior to 1818 had taken the initiative in championing their cause. Having on a number of occasions demonstrated before the House his sympathies, he introduced on December 5, 1817, a resolution to the effect "that

³²⁵ *Ibid.*, V, 165.

³²⁶ *Ibid.*, V, 165, 225-226.

³²⁷ *Ibid.*, V, 168, 171, 178; VI, 239.

³²⁸ *Ibid.*, V, 178.

³²⁹ *Ibid.*, V, 173; VI, 267.

³³⁰ *Ibid.*, VI, 114.

³³¹ *L'Ami des Lois*, April 23, 1816.

the President of the United States be requested to lay before the House of Representatives such information as he may possess and think proper to communicate relative to the independence and political condition of the provinces of Spanish America."³³² Commenting on this resolution he stated that in 1811 much interest had been aroused when the Venezuelan constitution had been submitted to the House, and that a committee report was tendered but that "from that time till the present silence had been observed in regard to the affairs of that part of the continent", for the obvious reason that the United States soon after this was at war and that since 1815 domestic concerns had been paramount.³³³ His speech also contained the germ of the Monroe Doctrine, for he attacked the Pope and Alexander of Russia for considering intervention.³³⁴

In compliance with this resolution Monroe submitted the correspondence of the State Department concerning Latin America to Congress and that body spent much time debating its various aspects.³³⁵ Before this correspondence was presented, however, Robertson had again taken the leadership and had offered a resolution "that a committee be appointed to inquire into the expediency of providing by law for the exercise of the right of expatriation."³³⁶ In addition, he had supported a petition of Vincent Pazos who represented himself as an agent of Venezuela, New Grenada, and Mexico and who was asking Congress for relief from losses incurred in the American occupation of Amelia Island,³³⁷ and he opposed a bill to make more stringent the neutrality laws.³³⁸ In all three of these matters Robertson was on the wrong side, showing that as yet the majority of the House was not ready to commit the United States to an aggressive proliberal policy.

In 1818, Robertson's ill health forced him to take a less active part in the debates.³³⁹ This was regrettable, for from then on,

³³² *Congressional Debates*, 15 Cong., 1 Sess., 406-407, (December 5, 1817.)

³³³ *Ibid.*

³³⁴ *Ibid.*,

³³⁵ *Ibid.*, 1471-1655, *passim*, (March 25-30, 1818.)

³³⁶ *Ibid.*, 448-450, (December 15, 1817.) Robertson claimed that though the United States accepted the right of aliens to expatriate themselves this right was denied citizens of the United States. By the existing treaty with Spain a citizen of the United States holding a commission under any government at war with Spain was considered a pirate. Robertson thought this unjust and wished that Americans could by legal means divest themselves of citizenship.

³³⁷ *Ibid.*, 1259, (March 11, 1818.)

³³⁸ *Ibid.*, 1406-1430, (March 18, 1818.)

³³⁹ *Ibid.*, 1525, (March 27, 1818.)

under the capable direction of Clay, the cause he had so long upheld for the first time became the question dominating the sessions of Congress and his contentions were soon to be vindicated.

Butler, who succeeded Robertson, was not as enthusiastic towards the patriots, nor did he show much initiative or energy in promoting their cause, but in all votes on matters affecting Hispanic America he voted for that which would aid them.³⁴⁰

BIBLIOGRAPHY

General Works.

- Bancroft, Hubert Howe, *History of Mexico*, (6 vols., San Francisco, 1886.)
- Bancroft, Hubert Howe, *The History of the North Mexican States and Texas*, (2 vols., San Francisco, 1889.)
- Barker, Eugene C., *The Life of Stephen F. Austin, Founder of Texas, 1793-1836, A Chapter in the Westward Movement of the Anglo-American People*, (Nashville and Dallas, 1925.)
- Brown, J. H., *History of Texas from 1685 to 1892*, (2 vols., St. Louis, 1892.)
- Callahan, James Morton, *American Foreign Policy in Mexican Relations*, (New York, 1932.)
- Callahan, James Morton, *Cuba and International Relations*, (Baltimore, 1899.)
- Gayarré, Charles, *History of Louisiana*, (4 vols., New Orleans, 1903.)
- L'Heritier, Louis F., *Le Champ D'Asile, Tableau Topographique et Historique du Texas*, (Paris, 1819.)
- Johnson, Emory R., Van Metre, T. W., Huebner, G. G., and Hancett, D. S., *History of Domestic and Foreign Commerce of the United States*, (2 vols., Washington, 1922.)
- Kendall, John Smith, *History of New Orleans*, (3 vols., Chicago and New York, 1922.)
- Kennedy, William, *Texas: Its Rise, Progress, and Prospects of the Republic of Texas*, (Fort Worth, 1925.)

³⁴⁰ *Ibid.*, 16 Cong., 2 Sess., 1077, (February 9, 1821.)

- Latané, John Holladay, *The United States and Latin America*, (New York, 1920.)
- Marshall, Thomas Maitland, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, (Berkeley, California, 1914.)
- Martin, Francois Xavier, *The History of Louisiana*, (2 vols., New Orleans, 1882.)
- Priestley, Herbert Ingram, *The Mexican Nation, A History*, (New York, 1926.)
- Robertson, William Spence, *The Rise of the Spanish American Republics as Told in the Lives of their Liberators*, (New York, 1918.)
- Robinson, William Davis, *Memoirs of the Mexican Revolution, Including a Narrative of the Expedition of General Xavier Mina*, (Philadelphia, 1820.)
- Wortham, Louis J., *A History of Texas from Wilderness to Commonwealth*, (5 vols., Fort Worth, 1924.)
- Yoakum, H., *History of Texas*, (2 vols., Redfield, New York, 1856.)

Public Documents

- American State Papers, Foreign Relations*, (Vols. III and IV, Washington, 1832-1834.)
- American State Papers, Finances*, (Vols., II and III, Washington, 1832-1834.)
- Congressional Debates (1809-1822.)*
- Waring, George E., and Cable, George W., *History and Present Condition of New Orleans, Louisiana, and Report on the City of Austin, Texas*, (Department of the Interior, Publication of the Tenth Census, 1880. Washington, 1881.)

Special Articles

- Barker, Eugene C., "The African Slave Trade in Texas", in *Quarterly of the Texas State Historical Association*, VI, 145-158, (October, 1902).
- Brown, Everett S., "Letters From Louisiana, 1813-1814", in *Mississippi Valley Historical Review*, XI, 570-579, (March, 1925).

- Chandler, Charles Lyon, "United States Shipping in the LaPlata, 1809-1810", in *Hispanic American Historical Review*, III, 159-176, (May, 1920).
- Chandler, Charles Lyon, "United States Commerce with Latin America at the Promulgation of the Monroe Doctrine", in *Quarterly Journal of Economics*, XXXVIII, 466-486, (May, 1924).
- Coopwood, Bethel, "Notes on the History of LaBahia del Espiritu Santo" in *Quarterly of the Texas State Historical Association*, II, 162-169, (October, 1898).
- Cox, Isaac Joslin, "Monroe and the Early Mexican Revolutionary Agents", in *American Historical Association Annual Report*, 1911, I, 199-215.
- Galpin, W. F., "The Grain Trade of New Orleans, 1804-1814", in *Mississippi Valley Historical Review*, XIV, 496-507, (March, 1928).
- Kelly, Edith Louise, and Hatcher, Mattie Austin, "Tadeo Ortiz de Ayala and the Colonization of Texas, 1822-1833", in *South-western Historical Quarterly*, XXXII, 74-86, (July, 1928).
- Kendall, John S., "Early New Orleans Newspapers", in *Louisiana Historical Quarterly*, X, 383-401, (July, 1927).
- Kendall, John S., "The Foreign Language Press of New Orleans", in *Louisiana Historical Quarterly*, XII, 363-380, (July, 1929).
- Lewis, W. S., "The Adventures of the *Lively* Immigrants", in *Quarterly of the Texas State Historical Association*, III, 1-32, 81-107, (July and October, 1899).
- M'Caleb, Walter Flavius, "The First Period of the Gutierrez-Magee Expedition" in *Quarterly of the Texas State Historical Association*, IV, 218-229, (January, 1901).
- Reeves, Jesse S., "The Napoleonic Exiles in America", in *Johns Hopkins University Studies in History and Political Science*, XXIII, Nos. 9-10, (1905).
- West, Elizabeth H., "Diary of Jose Bernardo Gutierrez de Lara, 1811-1812", in *American Historical Review*, XXXIV, 55-91, 281-294, (October, 1928, and January, 1929).
- Winston, James E. "New Orleans and the Texas Revolution", in *Louisiana Historical Quarterly*, X, 317-354, (July, 1927).

Travel Accounts

- Ashe, Thomas, *Travels in America Performed in the Year 1806*, (London, 1809.)
- Bonnycastle, R. H., *Spanish-America, or A Descriptive, Historical, and Geographical Account of the Dominions of Spain in the Western Hemisphere*, (Philadelphia, 1819.)
- Brown, Samuel R., *The Western Gazeteer; or, Emigrant's Directory, Containing a Geographical Description of the Western States . . . and Directions to Emigrants*, (Auburn, New York, 1817.)
- Coleman, Will H., Publisher, *Historical Sketch Book and Guide to New Orleans and Environs*, (New York, 1885.)
- Darby, William, *A Geographical Description of the State of Louisiana, the Southern Part of the State of Mississippi, and Territory of Alabama*, (New York, 1817.)
- Darby, William, *The Immigrant's Guide to the Western and South-western States and Territories*, (New York, 1818.)
- Flint, Timothy, *The History and Geography of the Mississippi Valley*, (Cincinnati, 1832.)
- Hall, Basil, *Travels in North America in the Years 1827 and 1828*, (Philadelphia, 1829.)
- Hodgson, Adam, *Remarks During a Journey Through North America in the Years 1819, 1820, and 1821*, (New York, 1823.)
- Ker, Henry, *Travels Through the Western Interior of the United States From the Year 1808 up to the Year 1816*, (Elizabeth-town, New Jersey, 1816.)
- Schultz, Christian, Jr., *Travels on an Inland Voyage Through the States of New York . . . and Through the Territories of Indiana, Louisiana, Mississippi, and New Orleans*, (2 vols., New York, 1810.)

Newspapers and Periodicals

- L'Ami des Lois* (New Orleans), 1813, 1816-1819, 1822-23.
- Louisiana Courier* (*Courier de la Louisiane*) (New Orleans), 1813, 1816-1824.

Louisiana Gazette (Gazette de la Louisiane) (New Orleans), 1810-1820, 1824.

Moniteur de la Louisiane (New Orleans), 1810-1814.

Niles' Weekly Register (Baltimore), 1811-1825.

Collections of Documents, Letters, and Papers

Gulick, Charles Adams, Jr., Editor, *The Papers of Mirabeau Buonaparte Lamar*, (6 vols. Austin, 1921.)

Manning, William, Editor, *The Diplomatic Correspondence of the United States Concerning the Independence of the Latin American Nations*, (3 vols. New York, 1925.)

Richardson, James D., Editor, *A Compilation of the Messages and Papers of the Presidents, 1789-1902*, (10 vols., Washington, 1903.)

Rowland, Dunbar, Editor, *Official Letter Books of W. C. C. Claiborne, 1801-1816*, (6 vols., Jackson, Mississippi, 1917.)

✓
**LOUIS DECLOUET'S MEMORIAL TO THE SPANISH
GOVERNMENT, DECEMBER 7, 1814**

**(Conditions in Louisiana and Proposed Plan for
Spanish Reconquest)**

Edited by STANLEY FAYE

INTRODUCTION

Louis Bronier de Clouet came of a family known from Arkansas Post to the Gulf of Mexico. His father, Alexandre de Clouet, Sr., appears to have been more widely known than the town (St. Martinville) of his ultimate residence; Francois Bouigny in 1779, establishing the village of New Iberia on a temporary site, identified that point only as twelve leagues up the Têche and twelve leagues distant from "the churchtown where Monsieur de Clouet lives."¹ Various members of the family Declouet owned plantations along the Têche between St. Martin's of Attakapas and Opelousas.

After the cession of 1763 but perhaps before the Spaniards took possession of Louisiana, Louis de Clouet was born, constructively at least a Spanish subject.² In the Spanish military service that gave to his father the rank of lieutenant-colonel the son enrolled himself as of April 1, 1777, but at so tender an age that he received only the title of *distinguido*, or aspirant. Five years later he became a cadet. As a cadet in 1785 he sailed aboard the ship *Galveztown* with Ensign José de Evia on the voyage that was first to put Galveston Bay unmistakably on the map and to give it a name of its own. By 1800 the former *distinguido* had risen to the rank of militia captain. He commanded the battalion of free mulattoes and negroes in the coastguard expedition of that latter year against the "Indian chieftain," William Augustus Bowles of Florida.³

¹ Archivo General de Indias, Papeles de Cuba, Legajo 2358, Bouigny to Gálvez, March 17, 1779.

² AGI, PdeC, Legajo 1710, Vidal to Garibay, July 20, 1809. Cf. Charles Arthur Etienne Gayarré, *History of Louisiana* (4 vols., New York, 1854-1866), III, 626.

³ AGI, Audiencia de México, Legajo 90-1-8, Yturriagary to Soler, October 27, 1807, first enclosure.

Like most though not all creoles in the rural parishes the family Declouet resented the doctrines of the French Revolution brought to New Orleans by later arrivals from France and from the French Antilles. Conflicting emotions resulted in 1803 in a feud between the families Declouet and Deblanc that for a little while enlivened existence in St. Martinville. From the complete victory of Louis de Blanc, supported first by the French commissioner Laussat and later by Governor Claiborne, may have arisen much of the malice that Louis de Clouet shows in his memorial presented herewith.

The vanquished politician prospered in agriculture if not in politics. Increasing populations, from New Orleans to Natchez, made increasingly valuable the fields and pastures of plantations on the Têche. In 1807 Louis de Clouet estimated his property as worth between \$300,000 and \$400,000.⁴ His wealth permitted him to live in New Orleans as an absentee proprietor. His habits of luxurious living⁵ appear to have been quickly acquired. In 1796 he began to borrow money from Antonio Argote, a prosperous tradesman of New Orleans.

In the person of this Spaniard the colonial government had recognized an agent no less conservative in thought than Declouet. Born in 1745 of a noble family in Málaga, Argote came to New Orleans early in 1779 and set himself up as an import-and-export merchant. On July 21, 1781, he received a temporary brevet (later confirmed by the Crown) as militia captain after seeing his first colonial service in 1779 against the British in posts up the river. In 1788 he held a position as alderman (*alcalde ordinario*) in New Orleans. During the French Revolution he acted as official censor of French books.⁶

Argote's fortunes improved with those of the city. In 1785 he had paid a total of \$16,885 for ten negro servants and three houses, one a splendid place in Toulouse Street near the governor's palace, the others in Burgundy Street. The seven surviving slaves and the real estate with its improvements unchanged had attained in 1807 to a total appraised value of \$48,950.⁷

Late in 1795 Argote gained momentary celebrity in New Orleans by leading a little military expedition to Natchitoches in

⁴ AGI, AdeM, Legajo 90-1-8, as above.

⁵ AGI, PdeC, Legajo 1710, as above.

⁶ Archivo General de Méjico, Marina, 1802-1808, Argote to the acting intendant, January 8, 1807, *copias*, ff. 17-20, 21-23.

⁷ AGM, Marina, 1801-1807, Argote to the vice-consul, July 29, 1807, and enclosures.

order to quell disorders in that frontier village.⁸ It may have been this feat that brought him to the attention of Louis de Clouet. In the following year the creole planter first condescended to borrow money from the Spanish merchant. Some of the funds the benefactor lent at the legal annual interest rate of six percent, some at different rates privately arranged. At the end of eight years the total that Declouet owed to Argote amounted to \$18,969. This amount was not reduced until nearly another two years had passed by.⁹

Like most of the better-class Spaniards in Louisiana who were not dependent for support on governmental appointments, Argote chose to remain under American domination rather than to accept the Spanish general invitation of 1803 and transfer his residence to some Spanish colony. Yet his conservative principles and his loyalty to Spain lured him again into the service of Don Carlos.

That monarch's special commissioner, the Marqués de Casa Calvo, lingering in American Louisiana until February of 1806, selected Argote among others to perform for him duties of secret character. June of the same year brought Argote to the City of Mexico on an official mission that if revealed, the messenger asserted,¹⁰ would make him liable to criminal prosecution by the American government. That reason he advanced for accepting three years late the invitation of 1803 and making himself a resident of Vera Cruz.¹¹ Under date of July 28 the viceroy gave him permission to remove his Louisiana property to Mexico.¹²

Mexican mines and mints produced milled pesos in abundance for Vera Cruz; New Orleans and the United States in general lacked hard money. Spain kept the port of Vera Cruz jealously closed to world commerce; American bills of exchange had no currency there. Argote could transfer the value of his property to his new place of residence only in the form of trade goods. He wrote to his New Orleans agent, the consular secretary Angel Benito de Ariza, to liquidate his account with Louis de Clouet. On only sixty-five days' notice Declouet succeeded in delivering to Ariza manufactured goods to the value of eighteen thousand dollars. A schooner bearing this first shipment arrived at Vera Cruz early in January of 1807.

⁸ AGM, Marina, 1802-1808, as above, ff. 18-19.

⁹ AGM, Marina, 1801-1807, as above, contract of September 15, 1806.

¹⁰ AGM, Marina, 1802-1808, as above, ff. 22-24.

¹¹ Cf. AGM, Marina, 1802-1808, ff. 37, 40.

¹² AGM, Marina, 1801-1807, Argote to the vice-consul, July 29, 1809, Memorial.

Argote had not informed himself fully concerning the Spanish monopoly of colonial commerce. His shipment from New Orleans included woolens and French brandy. After more than six months of negotiation Argote learned that in order to import these articles he had no choice but to send them first to Spain for reëxport under a Spanish manifest. The rest of his cargo was permitted to enter. Then Argote risked a return to Louisiana, where he himself might see that future shipments should be made in exact accord with Spanish regulations. In July and August he concerned himself in New Orleans with appraisals of property that he had acquired during the years of Spanish domination.¹³

Before Argote's tangible assets could be sold and turned into goods for export the Jeffersonian embargo of December 16, 1807, went into effect. Captain Ciriaco Cevallos, fugitive from Mexican colonial justice despite his position as naval commandant at Vera Cruz and his dignity as a brother of the Spanish prime minister, was able to enter New Orleans in 1808,¹⁴ but Argote's goods could not leave. The fugitive from unsuspecting American justice shut himself up fearfully in his own house. He refused to receive any but his most trusted friends. In all but complete seclusion he diverted his mind by composing metrical lampoons against Spain's new enemy, the Emperor Napoleon. These he caused to be printed and distributed at his own expense.¹⁵

Argote's superior officer, Casa Calvo, did not complete his duties as special commissioner merely by transferring Louisiana to France and witnessing its subsequent transfer to the United States. His commissionership included unfinished business of the province.¹⁶ In February of 1804 he conferred in New Orleans¹⁷ with Vicente Folch, governor of Spanish West Florida. Within two months he received for transmission to Spain a petition from Louis de Clouet, whereby the creole was asking royal leave to remove Spanish subjects from Louisiana in order to form agricultural colonies in the viceroyalty of Mexico.¹⁸

The Burr conspiracy and troubles of 1806 on the international border of Louisiana and Texas joined other obstacles that Declouet

¹³ AGM, Marina, 1801-1807, 1802-1808, as above.

¹⁴ Dunbar Rowland (ed.), *Official Letter Books of W. C. C. Claiborne, 1801-1816* (6 vols., Jackson, Miss., 1917), IV, 209-210.

¹⁵ AGI, PdeC, Legajo 1710, Vidal to Garibay, July 20, 1809.

¹⁶ AGI, PdeC, Legajo 179, Casa Calvo to Caballero, March 30, 1805, Copia 5.

¹⁷ *American Historical Review*, XIX, 795.

¹⁸ AGI, AdeM, Legajo 90-1-8, Yturriagary to Soler, October 27, 1807, Petition.

confronted in establishing his Texan colony.¹⁹ Already the impresario had turned his thoughts to the more southerly provinces of the viceroyalty. Prohibition of trade between Vera Cruz and non-Spanish ports made difficult any communication between New Orleans and the City of Mexico, but the Burr conspiracy itself gave Declouet means for sending a new petition to the viceroy.

In September of 1805 newspapers of the Mississippi valley first reported news of the impending plot.²⁰ Governor Folch immediately took steps to strengthen the defences of West Florida against the threat of Aaron Burr. For this purpose he borrowed twenty thousand dollars from Jean Michel Fortier, a conservative Louisiana creole. Then he caused the schooner *Montgomery* of New Orleans to be loaded with a cargo that, passing through the forbidden customhouse of Vera Cruz, should earn enough profit to repay the loan. Aboard the *Montgomery* schooner Declouet sent his agent, Manuel Gonzales Moro, bearing his petition to the viceroy and prepared to inspect Mexican sites for Spanish colonists from Louisiana.²¹

The viceroy let the cargo enter, but the agent he sent home at the earliest moment. Although the Crown had authorized colonization in Texas, no permission had been granted for colonization in the viceroyalty itself.²² The disappointed Declouet on May 1, 1806, therefore drew up a second petition to the king, and to Casa Calvo (still in West Florida) he sent it to be forwarded directly to Spain. He waited in vain for an answer. Late in 1806 word was sent from Texas by way of Governor Folch that the fortunes of Declouet's colony on the Trinity River had become desperate.²³ The impresario determined to apply to the viceroy in person for permission to direct his labors toward a more favorable province.

On March 20, 1807, Governor Folch in Baton Rouge gave Declouet a paper that should serve as a note of introduction to the viceroy. In April²⁴ he conferred with Declouet in New Orleans. In midsummer the Louisiana creole put aboard the schooner *Cen-*

¹⁹ Mattie Austin Hatcher, *The Opening of Texas to Foreign Settlement, 1801-1821* (Austin, 1927), 119.

²⁰ Walter Flavius McCaleb, *The Aaron Burr Conspiracy* (New York, 1903), 36-37.

²¹ AGI, AdeM, Legajo 90-1-8, Yturriagary to Soler, October 27, 1807.

²² Royal orders of 1804 put Texas into a commandancy general independent of the viceroyalty; a Regency decree of May 1, 1811, returned it and its neighboring provinces to the viceroy's rule.—AGI, Audiencia de Guadalajara, Legajo 104-2-22, Gonzales Vallez to Montemar, November 12, 1815, second enclosure.

²³ Hatcher, *op. cit.*, 115-116, 119, 120. Cf. Nacogdoches Archives (Texas State Library, Austin), Salcedo to Cordero, December 9, 1806.

²⁴ Cf. *American Historical Review*, X, 834; XIX, 805.

turion a cargo for Vera Cruz that he intended for his own use as leader of his proposed southern establishment. The month of September saw him in the City of Mexico seeking to untangle the red tape of colonial government.²⁵

Declouet, like Argote, had endangered his liberty at home by carrying out commissions for the Spanish government. These he was to describe in his memorial of 1814, but in 1807 he felt his position to be so delicate that, again like Argote, he dared not confide them to paper in Mexico. The viceroy nevertheless could not help this patriot except to permit entrance of the *Centurion's* cargo through the customhouse. The new petition went forward to Madrid for action. Declouet returned to New Orleans. There he found a new friend, José Vidal, who was an old friend of Spain.

José Vidal, captain of cavalry, after service in Louisiana, in 1792 became secretary in Natchez under the Spanish commandant, whom later he succeeded in command. Much of the modest wealth that he amassed came to him as an inheritance from his wife.²⁶ More promptly than Argote after the cession he determined to transfer his possessions to Vera Cruz, where his brother, Fray Manuel Vidal y Alarcón, was rector of the College of San Pablo. The duty of commanding Spanish troops on their journey from Louisiana to Texas detained him in the north. He converted some of his property into manufactured goods. These he sent as a cargo to his brother's care in Vera Cruz, where ecclesiastical influence helped them in their way through the customhouse.²⁷

Returning from Texas to Louisiana in November of 1807, Vidal found that the Spanish legation in Philadelphia under an August date had appointed him to act as consular agent in New Orleans. In that city on November 26, 1807, he announced his appointment by letter to the governor of Havana.²⁸ A few weeks later, early in 1808, the Jeffersonian embargo closed the Louisiana port to foreign commerce, and most of Vidal's new duties passed out of existence. His office was not an established consulate but merely an official agency for the transaction of private business²⁹ and therefore dependent for income on almost nonexistent fees.

²⁵ AGI, AdeM, Legajo 90-1-8, Yturriagary to Soler, October 27, 1807, Petition; Testimonio, Declouet to Espino, September 18, 1807, and Informe by Folch, Baton Rouge, March 20, 1807.

²⁶ AGM, Historia, v. 161, Vidal to the first secretary of state, September 1, 1809; Marina, 1802-1808, as above, Superior Orden.

²⁷ AGM, Marina, 1802-1808, as above, Pedimiento Fiscal.

²⁸ AGI, PdeC, Legajo 1710, Castillon to Someruelos, November 12, Vidal to Someruelos, November 26, 1807.

²⁹ AGI, PdeC, Legajo 1710, Castillon to Someruelos, November 12, 1807.

During two years' time the patriotic Vidal paid his living expenses out of his own pocket.³⁰

The viceroy of Mexico had asked Vidal to act in New Orleans also as a secret agent. The consulate therefore took up as a new duty the forming of public opinion to protect, if that might be possible, the Spanish government of West Florida. That province was approaching revolution in favor of the United States.³¹ Of its total population two-fifths were French and French creole, two-fifths American, British and German, and only one-fifth Spanish.³² The Jeffersonian embargo, designed to starve the Antilles, threatened to starve West Florida also, and in January of 1808 it brought Governor Folch on a hurried trip to New Orleans.³³ Folch intended to send Declouet to the legation in Philadelphia and perhaps on to Spain to seek aid,³⁴ but news came to him in June that would make such a journey useless. The American government, he learned, was expected to join Great Britain in the current war against France, still at that time Spain's ally. The Floridas, he knew, were defenceless.³⁵ The American army would quickly perform the invasion of West Florida and of Texas that Folch had feared³⁶ in the time of the Burr conspiracy. In June, also, Declouet wrote to warn the commanding general in Texas that "Burr's project" was apparently coming to life.³⁷

Officially leader of the loyal group in Louisiana, Vidal looked about him to see what he might do. With better success than the Spanish legation in a later year,³⁸ with far better success than the Spanish legation in an earlier year,³⁹ he prevailed late in August upon John Mowry, Federalist editor of the *Louisiana Gazette*, to open the columns of that newspaper to Spanish propaganda. Spanish enthusiasm quickly flamed up. Money appeared for a more ambitious project. The services of William H. Johnson, an American job printer, were engaged. On September 10, even before learning that the Emperor Napoleon had seized Spain for

³⁰ AGM, Historia, v. 161, Vidal to the first secretary of state, September 1, 1809.

³¹ Cf. McCaleb, *op. cit.*, 90.

³² AGI, PdeC, Legajo, 1565, Folch to Someruelos, August 21, 1808.

³³ AGI, PdeC, Legajo, 1564, Folch to Someruelos, May 6, 1808, enclosure, Folch to Morales, New Orleans, January 31, 1808; *American Historical Review*, XIX, 807.

³⁴ AGI, PdeC, Legajo 2369, Folch to Someruelos, April 19, 1808.

³⁵ AGI, PdeC, Legajo 1565, Folch to Someruelos, June 1 and 4, 1808.

³⁶ McCaleb, *op. cit.*, 97-98, 263-264.

³⁷ *Ibid.*, 366.

³⁸ AGM, Historia, v. 161, Onís to the viceroy, March 20, 1810.

³⁹ Henry Adams, *History of the United States of America* (9 vols., New York, 1889-1891), II, 265-268.

himself, New Orleans viewed the first issue of a daily newspaper printed both in Spanish and in English and bearing the title *El Misisipi*.⁴⁰

The Imperial French consul, Colonel Deforgues, took prompt counteraction. The *Echo du Commerce*, established and even edited by Deforgues himself, that violent man,⁴¹ soon rang in New Orleans the knell of Don Carlos' monarchy. Although *El Misisipi* managed for a while to continue a precarious existence, the *Echo* ceased to spoil good grey paper in the following March.⁴² Two months later vessels began arriving with refugees from Cuba, unoffending French residents whom the Spanish government of Havana had exiled as enemy subjects.⁴³ By the end of summer the French population of New Orleans had doubled in size and in hatred of Spain. With better commercial prospects therefore than the *Echo's* editor had possessed, certain friends of the emperor and foes of the new Spanish regency thought proper to establish a new French newspaper. *L'Ami des Lois et Journal du Soir*, edited by Jean Le Clerc, made its first appearance in November of 1809.

In March of that year, when New Orleans was receiving news that the embargo had ceased to be operative, a rumor ran through the town that Governor Folch had given up hope of preserving West Florida for whatever Bourbon king of Spain might survive the Napoleonic wars. Governor Claiborne of Louisiana forwarded the news to Washington. One month later he reported the rumor in expanded form: Governor Folch, he said, only awaited an excuse to deliver West Florida to the United States.⁴⁴

Claiborne had not exhausted the possibilities of gossip that existed in his capital. In April, with the lifting of the embargo, certain friends of Spain sent out cargoes of foodstuffs for Spanish ports of the Gulf and the Caribbean. The American schooners *Financier* and *Célestine* cleared for Yucatán, the former for Campeche, the latter for Laguna de Términos, both of which Mexican ports were open lawfully to American commerce. Each schooner carried in addition to her cargo certain missives from certain imperialists of New Orleans addressed to certain

⁴⁰ AGM, *Historia*, v. 161, Vidal to the first secretary of state, September 1, 1809; *Claiborne Letter Books*, V, 14. Douglas C. McMurtrie, *Early Printing in New Orleans, 1754-1810* (New Orleans, 1929), 80 (cf. 138), calls this a semi-weekly only.

⁴¹ *Claiborne Letter Books*, III, 311.

⁴² AGM, *Historia*, v. 161, as above.

⁴³ *Claiborne Letter Books*, IV, 351; *Southern History Association Publications*, IX, 293-299.

⁴⁴ *American Historical Review*, X, 833; XIX, 812.

Spanish merchants of Campeche and Laguna. These letters denounced the owners and officers of the vessels as being implicated in an expedition fitting out in New Orleans, with connivance of the American government, against the dominions of Bonaparte's royal prisoner, King Ferdinand VII. At the same time certain loyal Spaniards of Mérida, the seat of government in Yucatán, had become informed that the international plot included among its leaders the French creole Joseph Rufignac, who bore the title of count; Ciriaco Cevallos, the refugee from Vera Cruz; Vicente Folch, the Florida governor; and Captains Argote, Vidal and Declouet.⁴⁵

The *Financier*, a vessel of unquestionably American character, could prove that she sailed lawfully under the American flag. No excuse was found even for holding her long under suspicion at Campeche. In the absence of Governor Claiborne she returned to New Orleans to tell not only what had been her own experience, but also that her companion in misfortune, the *Célestine*, was languishing a prisoner in the port of Laguna while ship's officers and crew languished likewise in the colonial calabozo.

The Republican but anti-Claiborne *Orleans Gazette* seized upon the story. Mowry's Federalist *Louisiana Gazette* gave it space. The United States and Spain seemed to be involved in an international incident (only one, indeed, out of a long succession) that might bring the hoped-for Spanish war to prevent which President Jefferson and the new President Madison had carefully labored.

Captain Vidal, and also Governor Claiborne upon his return to town on July 16, protested to the governor of Yucatán. No American plot impended, they said, against the dominions of His Catholic Majesty. Jacob Hart, Jr., owner of the *Célestine* and travelling aboard her, was a young man of good reputation, a native citizen of the United States (they did not say, of New York.) The schooner's supercargo, Jean Robert, although formerly a French subject, had been naturalized in the United States and was a respected and bona fide employee of the aforesaid Hart.⁴⁶

In due Spanish course of time the government of Yucatán released the *Célestine*. Hart and Robert came back home to seek revenge not upon French imperialists but upon their Spanish captors. They entered into the trade of French piracy that within

⁴⁵ AGI, PdeC, Legajo 1708, Onís to Someruelos, November 18, 1809; Legajo 1710, Vidal to Pérez, July 17, 1809.

⁴⁶ *Claiborne Letter Books*, V, 10-13; AGI, PdeC, Legajo 1710, Vidal to Pérez, July 17, 1809; AGM, Historia, v. 161, Vidal to the first secretary of state, September 1, 1809.

the next four years gave a permanent celebrity to Barataria and its smuggler gangs. Their acts and those of their associates occupied the mind and the pen of Louis de Clouet until the year of the first state election, the events of which form in great part the subject of his memorial of 1814.

Even with so many interesting affairs to think about Louis de Clouet did not forget his early plan of emigrating from Louisiana to some Spanish land. His petition sent from Mexico in October of 1807 had found no answer from a government that could scarcely maintain itself in Spain until August of the following year. From that time until after the release of the imprisoned King Ferdinand in the spring of 1814 nothing could be expected from the regency of Cádiz. But with the reestablishment of royal government in Madrid, Declouet's hopes rose once again. Early in June of 1814 the Spanish minister in Philadelphia wrote to his Regency chief that he had received a visit from a person "whose name," said the minister, "I do not dare to reveal to Your Excellency because he is very well known in this country, and it might do him harm."⁴⁷

This person was a man "entirely honest, of recognized zeal and addicted to our nation, who to a topographical knowledge of Louisiana unites some military knowledge." It was in fact none other than Louis de Clouet, who had told to the Spanish envoy his plan for regaining from the United States (still in that year engaged in war with Great Britain, royalist Spain's ally) the Louisiana that the United States had acquired from France despite Spanish protests. From the legation under date of June 8 a letter went to the prime minister in Madrid detailing Declouet's military plan of reconquering his homeland for King Ferdinand VII.

The letter and the subject of it reached Madrid at perhaps the same time. King Ferdinand had returned from French captivity, dismissed the regency's ministry and appointed one of his own. From a subordinate post in the state department he had recalled to the highest post among his councillors his royal father's old prime minister. So at the head of the government Declouet found the brother of Ciriaco Cevallos, his own old friend in New Orleans.⁴⁸

⁴⁷ AGI, Indiferente General, Legajo 146-3-8, Estado (Cevallos) to Guerra, Marina and Hacienda, December 9, 1813, enclosure, Onís to Luyando, June 8, 1814, in correspondence of 1813, No. 37.

⁴⁸ José Luyando, first secretary of state from November, 1813, to May, 1814, was succeeded by the Duke of San Carlos who, being appointed ambassador to London, was succeeded by Pedro Cevallos.

Meanwhile the letter from Philadelphia, outlining the plan that the man from New Orleans was setting down on paper, seemed of sufficient importance to be shown forthwith to the king. Thus by royal order the prime minister on December 12 referred the letter to the colonial minister. Promptly on the following day the latter statesman's reply was dated for transmittal to His Majesty. The plan, it seemed, was sound. Unfortunately the plan would be expensive to carry out, and there was no money available. Neither were there any ships to spare for transporting troops. Even if there were, there were no troops. The plan, it appeared, must be regretfully rejected.⁴⁹

Louis de Clouet would never see invading Spanish cavalymen picket their mounts on the banks of the Têche. In New Orleans he would never invite a conquering Spanish captain-general to dinner. Yet his long journey was not to go for nothing. In a changing world that King Ferdinand could not hope to change back again without aid from many conservatives, Louis de Clouet was too loyal a native subject to let go unrewarded. In recognition of his services and his loyalty he received appointment as governor of a province in Cuba.⁵⁰

TRANSLATION OF DECLOUET'S MEMORIAL

[*Archivo General de Indias, Indiferente General, Legajo 146-3-8, Declouet to Cevallos, Madrid, December 7, 1814.*]

In conformity with Your Excellency's orders relative to the commissions of the royal service with which I was charged in the Province of Louisiana, I will say that:

At the moment when the Americans took possession of that province, and perhaps earlier, they formed the intention of encouraging the spirit of revolution in our Americas.¹ I knew much about those men, and those particularly who were employed by their government revealed their ambitious designs with no attempt at concealment whatever. They sent spies by way of Natchitoches, on the frontiers of the Internal Provinces of New

⁴⁹ AGI, Indiferente General, as above, December 9, 1813. enclosure, Cevallos to the Secretario del Despacho Universal de Indias, December 12, 1814; Secretario de Indias to the king, December 13, 1814.

⁵⁰ Cf. Gayarré, *op. cit.*, III, 626.

¹ Cf. American Historical Association, *Annual Report for 1903*, I, 133-143; cf. McCaleb, *op. cit.*, 29-30.

Spain,² to see whether by that means they might incite an insurrection, which did not delay in breaking out.³

Various plans were formed, of which I gave advices at proper times to the Marqués de Casa Calvo, who was then His Catholic Majesty's commissioner for making the transfer of the boundaries.⁴ After his withdrawal from the Floridas to the Court here I continued, in obedience to the orders that I had received, to make report of events to the governor of the aforesaid Floridas, Brigadier-General Vicente Folch, and more lately to our minister to the United States of America, Don Luis de Onís,⁵ on the aid they were giving to Gutiérrez,⁶ Robinson,⁷ and various others in the same scheme of revolution that those men were forwarding in Baton Rouge and Mobile, West Floridas,⁸ and on the various spies that were sent by that government to our territories, &c.

Probably Your Excellency has been opportunely informed of all those plans and their results; but the one that has seemed to me most likely to succeed and that in time may become very dangerous to us will be set forth to Your Excellency in all its details and with the truthfulness that characterizes an honorable officer.

In the year 1812, when Louisiana was declared an independent state, its government abandoned caution and showed itself hostile towards the possessions of His Catholic Majesty. The rebellious spirit had greatly increased among the partisans of independence.⁹ Those conspirators had openly formed the intent of aiding the rebels. I knew that their plan was to advance to Natchitoches with six thousand men under the pretext that the state was being threatened;¹⁰ another two thousand were to sail from the Isle of

² New Spain: Mexico. The Internal Provinces of the East consisted of Texas and parts of Tamaulipas, Chihuahua and Nuevo León.

³ The garrison of San Antonio revolted in January, 1811.

⁴ Casa Calvo was commissioner for the transfer of Louisiana, for delineation of the boundaries and for other unfinished business.

⁵ Onís arrived in the United States in October of 1809.

⁶ José Bernardo Gutiérrez de Lara, a veteran of Hidalgo's revolution, went in 1811 from Texas to Washington, returned in 1812 to Natchitoches with some small financial aid from Madison's administration in company with a member of the United States consular service assigned as official observer, and led across the border a raid that caused the surrender of San Antonio.

⁷ Dr. John Hamilton Robinson, late of Zebulon Pike's expedition, was one of Gutiérrez' two successors in command.

⁸ Disorders in West Florida from 1808 to 1810 were caused in great part by the Kemper gang, various members of which joined Gutiérrez in 1812.

⁹ Elections in the new state of Louisiana were held June 29, 1812. The first action in the Gutiérrez raid was that of August 22, 1812, at Attoyac, Texas.

¹⁰ When Gutiérrez visited the War Department in Washington, Secretary Eustis showed him such a plan already drawn up.—*American Historical Review*, XXXIV, 70-71; cf. McCaleb, *op. cit.*, 98, 107.

Barataria¹¹ for the Trinity River, or Orcóquisac,¹² whence they were to join the big army in San Antonio de Bexar.

For the transport of these troops the leaders of the plan had at their disposal the privateer or pirate vessels, of which they are in part, although secretly, the owners. They had proclamations of the most incendiary character already printed in the Spanish language and all needs properly provided for.

These depraved men lacked nothing except that the people should elect a governor satisfactory to them and elect them themselves to the offices of senators, representatives, magistrates, judges of the Supreme Court, and in short to all the principal positions. As soon as Tousard, the French consul,¹³ and leader of that infernal gang, whom I knew quite well indeed, became aware that I was opposed to those elections he looked me up and after some circumlocution gave me the following information about his plans:

These were, he said, the intention of his emperor, who had already communicated the orders to his ambassador, Sérurier,¹⁴ who was authorized to use every means to forward this enterprise by distribution both of money and of honors. That same Tousard communicated to me the aforesaid plans, of which I myself already had the knowledge that I have just set forth; the secret orders that he had had from the aforesaid Sérurier and that authorized him, along with the Council, to draw on the aforesaid to the amount of two millions of dollars from the contributions that various persons had offered; and the incendiary proclamations that were to be issued and distributed in the Kingdom of New Spain.

Tousard made me great offers that on principle I could not have accepted; but in view of my commission and of the duties intrusted to me I felt that it was to the king's interest to feign an acceptance, since from him himself I could gain knowledge of whatever was going on.

¹¹ So the Spaniards of New Orleans called Grande Isle.

¹² The Orcóquisac region of the lower Trinity included five miles above the river mouth the long abandoned presidio of Orcóquisac, to which the detachment of Atascosito, stationed from 1808 until 1811 at the site of modern Liberty, had been destined in 1815.

¹³ Louis Tousard came to America in the time of the American war of independence. By resolution of October 27, 1778, the American congress gave him the brevet rank of lieutenant-colonel in recognition of bravery shown in the action against Newport, where he had lost one arm, and awarded him a pension of thirty dollars a month for life. Tousard received on May 26, 1800, the full rank of American lieutenant-colonel commanding artillery and engineers. He came to New Orleans January 22, 1806, as secretary to Deforgues in the French Imperial consulate, and during most of the following decade remained as such and as acting consul, even under the Bourbon restoration, until 1816.—William H. Powell, *List of Officers of the U. S. Army, 1776-1900* (New York, 1900), 148; *Claiborne Letter Books*, III, 247; *Louisiana Gazette*, July 18, 1816.

¹⁴ Louis Sérurier, French minister to the United States, 1811-1816.

He tried to make me see that the thing most necessary at that time was to elect a governor for the state, and the other authorities. When I observed to him that Claiborne, no less than he a friend of independence, ought rather to continue in the position of governor, Trousard replied,

"No. He is a weakling who will not dare do anything at all without being sure of support from the pusillanimous Madison, who uses only surreptitious means for fear of some break with Spain. It will not be the same with us, because we shall make war openly, and once we collect our army in Texas there will be no human power that can stop us. Besides, since we shall be supplied with arms and everything necessary for arming and equipping our brothers the Mexicans, that same Madison, knowing the situation to be thenceforth ours, will give us help."

Tousard came another time to instruct me concerning the election of the governor and the other officials.

"Here," he said, "are the stalwarts who ought to be elected."

He gave me a list¹⁵ in which were included the following: For governor, Jacques Villeré; for senators or representatives of the two Houses, Joseph de Ville Bellechasse, Jean Blanque, Louis Habiné, Bernardo Marigny, Anderson, Louis de Blanc, Flojac Garic, and others; for mayor, Nicholas Girod; for judge of the Supreme Court, Pierre Derbigny, [Etienne] Mazureau and [Louis] Moreau Lislet. As for the other persons named in the list it seems to me I should regard them as unobjectionable but at the same time without strength to be able of themselves to oppose the plans so forcibly that in any case those rascals would need the influence of those same good men; because if their projects are carried into effect it will be the former who will be elected to those offices.

"Besides," said Tousard, "it does not matter to us whether those men are or are not elected so long as we have the principal ones, who always and in any case will form a majority, and that will be all we need."

Nothing that Tousard told me about Madison and Claiborne was unknown to me, as Your Excellency will have seen. I have had acquaintance with many of their plots, and the truth is that the greatest and most dangerous enemy of the possessions in America pertaining to the Spanish Monarchy is the government of the

¹⁵ The translation revises this and the following lists, which Declouet presents partly in Spanish and partly in French and with erratic spelling of French names.

United States, as much because of its democratic as because of its Machiavellian principles.

Those pirates who have been arming in such great numbers in the port of New Orleans since the last war with France¹⁶ have done very great injury to our mercantile trade. Many richly laden vessels going to or from Spain have been captured and burned and the cargoes smuggled in by way of the lagoon called Barataria, situated to the westward of the Mississippi River, under the very eyes of the government, which, to dissimulate, sent out orders from time to time, which were never carried into proper effect. All these facts are well known to me, especially that of two boats that were carrying on the slave trade, one Spanish and the other Portuguese, which in the course of their voyage to Havana were captured by those miserable pirates, who murdered the crews and threw them into the water and by way of the aforesaid lagoon brought the negroes into Louisiana, where they were sold.¹⁷

It is a fact of which there can be no doubt that, as long as that country belongs to the United States, New Spain will be continually exposed to such disturbances and some day the most unfortunate results might come about, because if the plan of Tousard and his associates had been realized—and it almost was—it would have caused the greatest damage, and I have not the least doubt that sooner or later they will try again to bring it back to life. At least that was their plan in the year 1813, when it was necessary for me to leave the country.

Despite all that I have explained about the election of a governor and other officials, the Spanish party found itself in the very critical dilemma that, of two evils that offered, the worse must be avoided. Claiborne as well as Villeré was on the list so that one of the two should be elected governor. The former, although favoring independence, would not have dared openly to forward it without the approval of Madison, who, fearful of war, would likewise not have dared to give it to him.

Then, too, Claiborne had recommendations in his favor; and in order to prevent the election proposed by Tousard I thought it

¹⁶ After February of 1810, when the British closed the last French Caribbean port, French colonial privateer vessels reëquipped themselves at New Orleans more or less in accordance with international law. Pirate vessels also were equipped there as early as 1810. South American commissions were assumed early in 1812.

¹⁷ The cruisers making these prizes were the *Guillaume* and the *Sally*. The *Guillaume* was a French colonial privateer whose lawful commission had run out and whose commander (the name appears in the *Louisiana Gazette* of April 26, 1810, as Laurine) may have been Charles Lominé of New Orleans. The *Sally* was a pirate *falouche* (*felucca*, lugger) owned by Louis Prince of New Orleans and commanded by the already famous Ange Michel Brouard.

my duty, which I carried out, to use all means possible in order that Claiborne might be elected. I was able to manage with the help of my friends that he should be elected¹⁸ and likewise a majority in both Houses of the legislature consisting of men less dangerous than the scheming friends of Tousard, who like Tousard himself were foiled and confounded in their plans. All that were named and proposed by Tousard, excepting Villeré, were men of a corruption and immorality unparalleled, all of them enemies of Spain and agents whether public or secret of Bonaparte, whose satellites they were. The character of these and of other friends I shall present to Your Excellency in the following manner:

Tousard, an officer in the Royal French army, took part in the war of the United States and obtained the rank of lieutenant-colonel with a pension from the unfortunate king Louis XVI. He felt no gratitude for that, since I have been told that in the French Revolution he showed himself an active revolutionist, as I can well believe, and certainly he shows himself entirely dedicated to the cause of Bonaparte, speaking of the Bourbons in terms no wise decorous.

Jacques Villeré, head of a family, enjoying the reputation of an honored citizen, but without education or character. The conspirators counted much on taking advantage of his weakness, regarding him as a puppet. Villeré's father was one of the leaders of the Louisiana insurrection against Spain when the province was ceded by France. General Urily (O'Reilly), who was sent to reestablish order and punish the guilty, condemned Villeré to death, and Villeré suffered this penalty as did the other offenders. At the gubernatorial election the conspirators brought up this old affair, doubtless to excite the minds of Villeré and his friends.

Joseph de Ville Bellechasse obtained the rank of captain in the Regiment of Louisiana and was appointed commandant of the post of Barrancas Amargó,¹⁹ situated in Upper Louisiana. The former governor, the Baron de Carondelet, employed him for his private communications with secret agents who were in the western states. That correspondence came into the possession of a friend of Bellechasse, one Daniel Clark, a spy for the Americans, who made use of it for purposes of his government, since it helped out his own denunciation of General Wilkinson. These facts, made known by

¹⁸ The election went to Villeré in radical New Orleans, but Claiborne received a larger majority in the conservative country parishes.

¹⁹ The Spanish version of *les écores de la rivière à Margot*: Choctaw Bluffs, Memphis, Tennessee.

the newspapers, show the guilt of Bellechasse, who, a little before the transfer of the country, was dismissed, which caused him great dissatisfaction, and he showed his resentment especially after the taking of possession by the French commissioner Laussat, who appointed Bellechasse colonel of militia, in which office he was continued by the American government; but by his false and vacillating character he has lost all favor even with that same American government.

Jean Blanque came to Louisiana a little before the taking of possession. He had some small part in the French Revolution, and although he said that he was an American citizen he did not nevertheless cease to be an agent of Bonaparte. This clever and daring man is persuasive of tongue, whereby he sways the crowd. Blanque is regarded as one of the persons [financially] interested in the piracies of Barataria, which he openly protects.

Louis Habiné was born in the province of Béarne, as was Blanque, his intimate. At first a schoolmaster, he had the luck to marry a rich widow of a highly respected family. His wealth gives him great influence, which in part he uses for the advantage of his friends Blanque and company. That same Habiné was one of those concerned in the abovementioned loan, to which he contributed his quota of twenty thousand dollars.

Anderson, Irish by birth, is of a turbulent nature and, like the others, a great partisan of the Mexicans and of their independence.

Bernardo Marigny, little more or less than a boy, without moral sense. His desires have grown into a boundless ambition. Good men in general despise him, but his wealth gives him some influence over the minds of the lower class. He fancied himself already to be general-in-chief of the Mexican armies. This boy was one of the contributors to the loan previously mentioned, to the amount of twenty-five thousand dollars; and according to his own confession to me his father-in-law, Don Juan Ventura Morales, former acting-intendant in Pensacola, also entered into that same project; and I cannot help believing that, because Marigny has no property except land and he could not of himself make so considerable an advance.

Louis de Blanc, resident of the post of Attacapas, was captain of militia under the Spanish government and obtained a command in the infantry. Through a favor that he did not merit he was appointed commandant of that post. Upon the arrival of the com-

missioner Laussat, Deblanc declared himself most decidedly as a partisan of his, calumniating the government that he served and compromising his superiors by reason of a secret order, with intention of pleasing Laussat, whom he served as spy and adulator. Because of these acts he was deprived of his command and arrested, but upon the taking of possession by the French Republic he was liberated on his own recognizances; and Laussat, with the pretext that he had been a victim of the despotic Spanish government, *as he said*, restored to him the command that had been taken from him. Deblanc is of a rebellious spirit. He is clever, and a great partisan of the independence of the Mexicans, from whom he descends on his mother's side, for which reason and because of his knowledge of the Spanish language many of his friends count on his influence.

Flojac Garic, resident in the post of Opelousas, came to Louisiana a little before the cession. Without education and of obscure birth, he had the luck to marry the daughter of a rich planter of Opelousas, whose family is quite extensive, which gives Garic some influence in that post, where despite opposition by friends of good order he succeeded in having himself elected member of the senate for the State of Louisiana.

Nicholas Girod, native of Savoy, who came to Louisiana in the time of the Spanish government, is of obscure birth and without education. He began as a tavern-keeper. Later he went into the shipping business, and the smuggling voyages that he made to the neighboring coasts and islands have brought him more than ordinary wealth. He is one of the principal stockholders of the Bank of Louisiana and one of its directors and, although despised by proper people, has great influence with the populace. Since he once held the office of magistrate, Girod bears with justice the nickname of *Santer*. This rascal is one of those most interested as owners of the pirate vessels of Barataria, and, although he does not appear as such, is nevertheless one of the principal agents. He is an intimate friend of Blanc, Marigny and company (the former is a member of his private Council), and he was also the one who made the gift of a thousand muskets for the expedition.

Pierre Derbigny came to Louisiana with Monsieur de Lassure, who was of a distinguished family of France, in the position of tutor to the latter's sons. Monsieur de Lassure, who arrived contemporaneously with his friend the Baron de Carondelet,²⁰ obtained

²⁰ Carondelet arrived in New Orleans in February of 1792.

for Derbigny the lucrative position of interpreter for the government; but our government had scarcely come to an end when Derbigny calumniated it even in the newspapers. Derbigny is, or was, one of the authors of the incendiary proclamations that were prepared to be sent into New Spain. He has had himself elected judge of the Supreme Court, a position that gives him great influence.

Mazureau, native of Rochelle, came upon the taking of possession or a little earlier. He is a worthy colleague of Derbigny and is a member of the Council of Tousard, Girod and company.

Moreau de Lislet was secretary to the negro Toussaint in the island of Santo Domingo. He came to Louisiana after the taking of possession. A worthy colleague of the preceding, with no difference whatever.

Jean Le Clerc was taken to Mexico under the patronage of the Count of Casa Rul, who employed him in the position of tutor for his sons. He was driven away from there, and with the aid of his friends and others he established in Louisiana the newspaper there called *L'Ami des Lois*, which publishes many and many an infamy against Spain and her government. He is, or was, the printer of the proclamations.

Pierre Foucher, who was an officer of Sastre's. His younger brother, a worthy young man, a protégé of General Gálvez who made him his private secretary, obtained for his brother Pierre a sub-lieutenancy in the Regiment of Louisiana, and the latter rose to the rank of captain. He has nevertheless shown very little gratitude since the cession, both by his conduct and by his indecent remarks. He was one of those who joined in the contributions.

Joseph Sorel, a resident of Attakapas, former captain of militia, was compromised in the plottings of Louis de Blanc against our government. His contribution to the gift was two hundred head of cattle, which he owns in large numbers.

Pierre Pedescrau, notary-public, of a very bad reputation; likewise as to his two elder sons.

Gros, a physician, by reason of his profession has great influence and exercises it to aid his friends Blanc and others.

Antonio Carabi, who was an officer of Sastre's. He enjoys a bad reputation and, like the other friends, is a member of that infernal pack of dogs.

The Delinos Chalmet, brothers, are rogues with few equals. One of them in the month of February last went with others of his friends with the intention of joining the insurgents.

For the most part the Anglo-Americans ought to be watched, except the small number of old landowners in the country, who are the only ones it seems who regret the loss of its old government.

The Louisiana such as we possessed before the unfortunate treaty dated October 27, 1795, which concedes to the United States among other things the territory of Natchez, situated on the Mississippi River, has a population of two hundred thousand souls including the slaves. It may be estimated that two-thirds of that population are favorable towards Spain. The old population, who have lived under the paternal government, feel bitterly their separation, the agriculturists in particular. The free people of color are likewise favorable, the same as the Indians, who still exist in great numbers.

The citizens whom I know most particularly and who are of greatest influence, by reason of their worthiness and of their being attached to the Spanish monarchy, are the following:

Antonio Argote, who was formerly captain of militia, a man of the greatest learning, whom our government employed and frequently consulted.

The Reverend Father Fray Antonio de Sedella, pastor of the parish of Orleans, a respected friar.

Martin Duralde, former commander of Attakapas, like Argote highly educated and well considered by our government.

[The Rev. Fr.] Michel [Bernard] Barrière, former pastor of Attakapas. His loyalty to the cause of Spain cost him his parish, and it was Louis de Blanc and Joseph Sorel who schemed to that purpose.²¹

The Rev. Fr. Fray Bernardo de Deva, pastor of the parish of Valenzuela,²² justly esteemed.

Nicholas Daunoy, retired colonel, and his son:

Bartholomé Daunoy, former officer of militia.

Louis the chevalier Macarty, respected resident, as is:

Bartholomé Macarty, his son.

²¹ Cf. Gayarré, *op. cit.*, III, 596-597; *Claiborne Letter Books*, II, 169.

²² Interior of La Fourche.

Alexandre de Clouet, who was captain and commandant of the militia of Attacapas, where he resides.

Balthasar de Clouet, former lieutenant of the aforesaid militia. These two are my brothers.

Florence Basil, chevalier of the order of St. Louis.

Paul Le Blanc, former adjutant-major of New Orleans.

Joseph Le Blanc, his son, who was a captain in the Regiment of Louisiana.

Louis de Sales, ditto, ditto.

Jean de Lasière, ditto, ditto.

Joseph the count de Rufignac, who was a cavalry captain in the Regiment of Mexico.

Charles de Viellier, retired lieutenant.

Louis the Baron de Faliel, ditto, ditto.

Pedro Marinos, who was director of the post-office.

Manuel Gonzales Moro, who was custodian of the ordnance warehouse.

Carlier d'Outremer, who was navy commissioner and an émigré of the French Revolution.

Michel Fortier, a merchant.

Charles Fagot, judge of the parish of Plaquemine, and Maglorio Guichard, old and respected residents.

Felix Trudeau, who was captain and commandant of the post of Natchitoches, where he still resides.

Monsieur Cavellier and his sons.

Monsieur Mantégüe and his sons.

The brothers Ayures, old chevaliers of the order of St. Louis.

Luis and Antonio Gayarré, who were officers in the Regiment of Louisiana.

Pierre Lacoste, former officer of militia.

Antoine and Pierre St. Amant, brothers; the former was commandant of the German Coast.

Michel Andry, commandant of the second German Coast.

Michel Cantrel, lieutenant of infantry and former commandant of the parish of [St. James of] Caabanose.

Some of the abovementioned have accepted subordinate offices from the American government, but that does not cause them to be the less respected and devoted to our interest.

In case that H.R.M. should indeed seek the conquest of Louisiana, four or five thousand men will be enough; but since it will

be necessary to guard that immense country, more than five hundred leagues in extent from the mouth of the Mississippi River to the Illinois,²³ the most distant settlement in Upper Louisiana, to fortify the various points that are susceptible of defense and to compel respect from the States of Ohio and Kentucky, whose population including the slaves amounts to five hundred thousand souls, ten thousand men it seems to me would not be too many. With Louisiana conquered it might be necessary to add to our regular troops another ten or twelve thousand militiamen, all excellent shots, especially the free mulattoes and negroes.

In view of the topographical information that I have collected, on which points I have full information, having travelled over the country, of which I am a native and in which I have passed my life in the Royal service of His Majesty, it seems to me that the expedition ought to be prepared with the greatest possible secrecy to attack three different points at the same time. Twelve to fifteen hundred cavalry coming by way of the Internal Provinces of New Spain could take possession of the posts of Natchitoches, Rapides, Opelousas and Attakapas, situated to the westward of the Mississippi River. These two latter points are distant about fifty leagues from the capital and would be highly essential, since they produce cattle in abundance and many other provisions that are taken to New Orleans for consumption.

This cavalry should be set upon the Sabine River one month before the attack, both for a rest period and also because there are excellent pastures and forage in that region. In less than six days they can go from the Sabine to the points that I have just mentioned, and thence in eight days to the capital.

Two thousand or twenty-five hundred men, who shall sail from Pensacola or from Havana in gunboats that do not draw more than from six to seven feet of water and which also are indispensable for the defense of the country, shall enter by Lake Pontchartrain and disembark their troops by way of the Chef Menteur River, the Bayou St. John and others nearby, and then the troops shall take positions three-quarters of a league distant from the capital, which, with our army established before it, will surrender immediately, in view of the fact that the city is open²⁴ on all sides and moreover that the greater part of its inhabitants would refuse to take up arms, especially against Spain.

²³ Missouri, a part of the old French commandancy-general of Illinois.

²⁴ *Abierta*: unfortified.

The rest of the army, which would sail from Havana or Vera Cruz, shall attack by way of the Balize, or mouth of the Mississippi, where it is possible or probable that they may meet some resistance at Fort St. Philip of Plaquemines, situated eight leagues above the aforesaid Balize or mouth. It would be easy to attain the objective, attacking at the same time by land and by the river. With the fortification taken, the only one that exists today in Louisiana, all the country would thereupon unavoidably surrender.

The attack shall be put into execution in the month of October or early in November in order to avoid the contagious diseases epidemic in Lower Louisiana from the first of July until September. In addition to this consideration, the low state of the water would make it impossible for the Americans to get any reinforcement from the States of Ohio and Kentucky, since these States are unable to communicate with Louisiana except at times when the water is high, and the water does not begin to rise until the ice melts in the month of February and does not begin to fall until June.

Invasion of the country in the season mentioned would give time for establishing the government, organizing the militia and calling out the Indians; and it would be possible to gather more than thirty thousand men including the latter. Not only would this command respect from the States of Ohio and Kentucky, but I dare say that in time we should even have the good fortune to persuade their inhabitants away from the federal government, as I think probable and all the more so because those men have no other patriotism than that of their own interest. In granting them the exportation of their products, which consist of flour, tobacco, salt meat and other provisions that our colonies lack, I am convinced that we should accomplish our purpose, all the more because those inhabitants would profit much in putting themselves under the protection of Spain. To attain this important end the pen and good, loyal, active agents would serve much better than armed force, as Your Excellency by reason of your full knowledge will appreciate, whether in this case or in any other that you may judge more suitable.

Attacked as I have already described, at three different points, the enemy would be taken in such a state of surprise that he would not know what to do for his defense. I believe that he would have no choice but flight or surrender, and in this manner bloodshed would be avoided; whereas in the other case, attacked

only at one point alone, which naturally would be the Balize, he could by earnest efforts gather the terrified militia and compel them to take up arms against their will.

Suitable proclamations circulated at an opportune moment would produce their effect and would quiet the inhabitants.

If it should be necessary to send some secret agents into the country, many officers or persons native to the country would be found in Pensacola. Captain Louis de Sales and Don Manuel Gonzales Moro, residents of New Orleans, might be useful for this purpose because of their energy and attachment to the King, and since they own no tangible property they could act with greater freedom.

If H.R.M. does not intend to seek the reconquest of all Louisiana in its entirety, it cannot be doubted that the Americans, in view of the critical situation in which they have been put by the war with Great Britain, would not fail in that case to enter into negotiation with the Government of Spain and content themselves with holding the Mississippi River as the boundary, and think themselves quite lucky.

Gaining for ourselves the territory to the westward of the Mississippi, which in any case ought to remain intact, there would still be the great disadvantage of having them as neighbors and the even greater disadvantage of leaving them with a port on the Gulf of Mexico, since it seems to me that the ports opening on that Gulf ought to belong exclusively to our Monarch.

This is all, on my word and conscience, that I have to report to Your Excellency, who perhaps will think that I have given too much extension to my reflections; but in view of the reasons that have inspired me to make them I dare say that your high comprehension will find me worthy of your indulgence.

God keep Your Excellency many years—Madrid, December 7, 1814 — To His Excellency — Luis de Clouet — (Rubric) — To His Excellency Don Pedro de Cevallos, First Secretary of State.

BLOOD ON THE BANQUETTE

By JOHN S. KENDALL

I

The Mafia did not forget the terrible lesson it had received at the hands of the indignant people of New Orleans, on that fatal day in March, 1891. For ten years after the Hennessey murder, little was heard of its operations. It confined itself to the preparation of so-called "black hand" letters and the extortion of money from Italians. Never again would it meddle with other nationalities. Its victims did not complain to the police. Consequently its operations, though suspected, went unpunished. Once in a while an intended victim refused to be bled; as when a wealthy Sicilian named Messina barricaded himself in his house on Saratoga Street, near Poydras, and lived there for a month or two, virtually in a state of siege, in defiance of the Mafia. But, ordinarily, the recipient of a "black hand" missive paid, and said nothing.

But this long period of quiet was merely an interlude. It did not signify by any means that, within the restricted area in which its leaders still presumed to operate, the New Orleans Mafia was lacking either in energy or resource. And then, about the year 1905, with the appearance on the scene of one of the most remarkable figures ever known in the criminal history of the United States, things took a turn—a turn for the better or for the worse, depending upon your point of view.

His name was—perhaps I should write, is: for he may still be alive—Francesco Matesi. He was born in Sicily about 1860 or 1865. He came of good family, received a good education, and seems to have possessed abilities of no mean order. He was active in politics in Palermo, and rose eventually to be a member of the City Council. One fine day he disappeared.

A few weeks later the authorities brought charges against Matesi, first, of being a leader of the Mafia in Palermo, and, second, of having been at the head of a band of brigands which, for two years, had operated in the Conca d'Oro, the valley in which that city is situated. The criminal court of Trapani, over at the western extremity of the island, then indicted him for the murder of an entire family, named Seina.

The Italian law permits the trial of a criminal in his absence. Under that provision Matesi was tried in Palermo in 1904, and sentenced to three years' imprisonment on each of the two indictments there. In Trapani he was convicted and sentenced to twenty-five years solitary confinement. The cases attracted widespread attention, particularly the trial at Trapani, where the evidence was of the most extraordinary character. The one regrettable feature, however, which marred the perfection of the procedure somewhat, at least from the spectator's viewpoint, was that Matesi obstinately remained in hiding, and the best efforts of the police were unavailing to drag him forth and inflict upon him the chastisement which the Sicilian tribunals, with so much labor and at such large expense, had decreed.

What had become of this master-craftsman of crime? His movements have not been traced in detail, but it is known that, after eluding the detectives in Palermo, he made his way to London, and thence to New York; and that when he arrived in New Orleans, he managed to conceal his identity from the officials long enough to escape the danger of deportation. In New Orleans he assumed the name of Genova. He had not been here long before he opened a shop for the sale of Italian pastes. Also he went into the importing business. He did not have to solicit custom. It came to him. Every Sicilian in town who knew his history, deemed it wise to enroll himself among Genova's patrons. He seemed in a fair way to become wealthy.

Moreover, he was immediately accepted as a leader in the local Italian colony. His influence was as far-reaching among his fellow-countrymen in New Orleans as it had been in Palermo. He figured as the arbiter of their disputes, the recipient of their confidences, their efficient helper in time of need. He became, in short, the Chief Mafioso.

Eventually, his business became so large that Genova, ex-Matesi, decided to establish a macaroni factory in connection therewith. For some unaccountable reason, however, Genova did not erect the plant in New Orleans. He preferred the town of Donaldsonville, some seventy-five miles away. This decision was fraught with momentous consequences, as we shall see.

Among the other Italians in New Orleans at that time were the brothers Luciano—Tony and Salvatore. They ran a cheap boarding-house and saloon on Poydras Street. The establishment

was frequented by Italian laborers visiting the city from the great plantations in southern Louisiana, where thousands of them are employed. In education and abilities the Lucianos were men considerably above their occupation. Before coming to New Orleans they had resided in Donaldsonville, and they still kept up a connection with that town, through an interest which they retained in a macaroni factory there.

Whether there were old grudges dating back to the time when they had known Genova in Sicily, or whether some animosity arose between them in New Orleans which led Genova to compete with them in the macaroni business in Donaldsonville; or whether the rivalry of the two factories in Donaldsonville was eventually translated to the city, will never be definitely known. At any rate, Salvatore Luciano appears to have come to the conclusion that the situation admitted of but one solution. One day, as he stood in front of the boarding-house he saw Genova, accompanied by one of his cronies, a man named Di Cristina, drive up in a buggy and stop in front of a building across the street. Both men quitted the conveyance and entered the house. Salvatore armed himself with a shotgun loaded with buckshot, and took up a position at the opposite corner, behind the screen door of a saloon.

Soon Genova and Di Cristina returned. As they were climbing into the buggy, Salvatore fired point blank at them. But his aim was bad. The charge whistled between the two men so close that their faces were powder-burned. They drew revolvers and rushed forward to punish the assailant. Salvatore fled into the boarding-house, where his brother, Tony, appreciating the seriousness of the situation, came to his defense. He had time to fire but once at Genova, missing his aim, when the police arrived and took the entire party into custody.

Luciano frankly admitted having tried to shoot Genova.

"But what has he done to you? What have you got against him?" asked the officials before whom he was conducted.

Luciano laughed. "Ask him," he said, mockingly indicating Genova with a gesture of his hand.

Genova professed absolute ignorance. "The man is crazy," he declared confidently. "He didn't shoot at me. I know him well. We have always been friends. There isn't any reason why he should wish to kill me—on the contrary. He is quite crazy." And that was all that the police got out of him.

In fact, when Luciano was tried, Genova refused to testify against him, and the case was dismissed.

Four months passed. It was a sultry summer evening. The Lucianos' boarding-house was full of Italians. Three of them had come in that day from Donaldsonville. In the barroom a card game was in progress between Tony Luciano and his Donaldsonville guests. Salvatore Luciano was seated at a table in an adjoining room, writing a letter. On account of the warmth of the evening all the street doors were wide open. Suddenly four men rushed into the apartment where Salvatore was at work, and stabbed him to death. His body, gashed by twenty wounds, remained seated at the table.

The deed required only a few seconds for its accomplishment. Tony Luciano, who had sprung to his feet on hearing the assassins enter, had time scarcely to rise from his chair and turn and cast a horrified glance into the adjacent room. He saw his brother fall forward towards the table and drop inert over the half-written sheet of paper that lay thereon, his blood mingling with the ink of an overturned bottle as it dripped upon the floor. Tony cleared the stairway leading to the upper floor in two bounds. He returned instantly, armed with a double-barreled shotgun. Then, curious to relate, he fired—not at the murderers of his brother, who were still in the next room, but at the men with whom he had been playing cards. One of them, Ventura by name, fell dead, and another, Salito, received a terrible wound.

Tony evidently realized that the men were decoys sent to keep him occupied while Salvatore was done to death, and to assassinate him if he made any attempt to defend his unfortunate brother. He could reach the actual murderers at any time, or at least the men who, he believed, had instigated the murder, but he might not have another such chance to square accounts with the Donaldsonville contingent. That he recognized the murderers was clear from his excited offer to point them out to the police if he were given arms; but when the offer was accepted the Mafia spirit got the better of his impulse, and he refused to comply with his promise. Deep down in his dogged Italian heart he knew that he must avenge his wrong himself. He accepted the responsibility, and prepared for all it might entail. Yet—such is the strange contradiction of the human soul—all that night the iron-hearted Luciano lay on his cot and wept for the brother who was no more.

There was no evidence against Luciano, and under a plea of self-defense he was released the next day. He went home to the house on Poydras Street, where an undertaker had decently prepared the body of Salvatore for burial. A score of friends had assembled to attend the ceremonies. The police, realizing that they had to do with the Mafia, and fearing a renewal of the trouble, posted several men in and around the premises. Tony Luciano took up his station at the foot of the coffin. He stood there some time in silence. Then a small stir at the door-way caused him to look up. With visible amazement he saw making his way forward a man named Ferrara, one of the four who less than eighteen hours before, had bathed their hands in poor Salvatore's blood. Unable for a moment to move, and watching in a paralysis of astonishment, Luciano beheld Ferrara approach the casket, lift the gauze with which it was covered, and, bending down, press his lips affectionately to those of the dead man. As a matter of fact, Ferrara enjoyed no such intimacy with the Lucianos as would at any time justify him in this act of exaggerated tenderness; it was a bit of cold-blooded effrontry, designed to disarm the suspicion of the police and perhaps of the friends whom Tony Luciano might now solicit to help him to his revenge.

"Angelo," said Luciano, quietly tapping the visitor on the shoulder, "I am glad you have come. You are a good man. I want to talk to you. But this is no place. Can we go out in the yard?"

Ferrara must have felt that his ruse had succeeded even in deceiving Tony. There was nothing in the latter's demeanor to indicate the black rage that boiled through his veins. With an inclination of the head Ferrara signified his willingness to follow.

They emerged upon a courtyard, beyond which lay an outer court, where the Lucianos had erected a small plant for making cigars. Tony crossed the first inclosure, opened a postern and conducted Ferrara into the second courtyard. As he entered Tony thrust his hand into a cranny where he kept a loaded shotgun. Then, wheeling suddenly, he placed the muzzle of the weapon against Ferrara's chest and pulled both triggers. Ferrara fell without a groan. As he lay on the ground Tony struck him over the head with the gun with such force as to break its stock to pieces. When the police got to the maddened man he was crying out: "I am satisfied! I have killed the man who slew my brother!"

The sympathy of the public was with Luciano. Although he had been the aggressor in this entire series of events, it was so clear that he had really acted in self-defense that his trial resulted in a speedy acquittal. But he knew that he was a marked man. The obscure power which had decreed his brother's death would, he was certain, likewise decree his. From that day forth he went armed. If he talked with another Italian it was with his back to the wall. If he walked along the street, he was careful always to halt a little in the rear of his companions. If he ascended a stairway in company, he was the last to mount. He regarded every human being as a possible agent of the shadowy but terrible society which, he was convinced, was weaving its toils around him. And yet, crafty and vigilant though he was, the forces against which he was contending were craftier, more patient, more watchful still.

Luciano abandoned his place of business on Poydras Street. He opened a grocery at the corner of Gravier and Saratoga, in order to be near the Central Police Station, on the opposite side of the street. One day a Sicilian named Espare visited the shop. He stayed a short time and made a pleasant impression. He returned the next day, and the next, and each time he ingratiated himself a little further into Luciano's confidence. It appeared that Espare was occupying lodgings on Saratoga Street, only a block away. It was convenient to purchase food from Luciano. This brought them into daily contact. Then Espare volunteered to market for the Luciano household. He had to go to market on his own account; why shouldn't he attend to Luciano's little commissions at the same time? It was the merest act of neighborly courtesy. Luciano consented. The men were friends.

And yet Luciano did not altogether relax his suspicions. He never quite forgot the possibility of Espare being an emissary of the Mafia—of the Mafia which he had defied and defeated. He was determined to give the new friend no chance to prove himself anything else.

"I had the children photographed," he said to Espare, one morning, as they stood on the sidewalk in front of the little store.

"When you get the pictures, I would like to see them," answered Espare cordially.

"No need to wait that long, my friend," returned Luciano. "We can go down to the studio and look at the proofs. The photographer promised to have them ready to-day."

He climbed into the covered wagon which, ready for the day's employments, was drawn up beside the curb.

"Here, jump in!" he continued. "I am going to drive down by Canal and Rampart, and we can stop and see the photographer. He has his office in a building there."

Espare accepted the invitation. The photographer's studio was situated on the third floor. The proofs were duly examined and pronounced excellent. As the two men departed Luciano, as was his wont, made way for Espare to precede him down the dark and narrow stair. But at the next floor, where two halls intersected at right angles, Espare halted momentarily, and Luciano, forgetting, as ever man is liable to forget in the intimacy of friendship, his long-practised precaution, assumed the lead. Instantly Espare drew his revolver and fired six shots into Tony's back. Tony returned the fire, but he was mortally wounded, lost his footing, reeled, fell, and crashed down the remaining flights like a stone from a catapult. When the bystanders rushed to his assistance, as he lay in the gutter, they saw that they were too late. The Mafia had triumphed at last.

Triumphed, yes—but not for long. Across the street from the photographer's shop stood the handsome quarters of the Pickwick Club, one of the most exclusive social organizations in New Orleans. At the hour when the murder was committed the place was full of members who had dropped in for luncheon. Some of them were seated in the wide embrasures of the great windows which looked down into Canal Street. Attracted by the noise of the shooting, they glanced across the busy thoroughfare and saw an Italian in his shirt sleeves run out on the roof of the opposite building and disappear through the skylight of an adjoining house. This man afterwards was identified as Espare. Several members of the club gave testimony against Espare at his trial for the murder. Espare was convicted and condemned to death. He turned out to be a gunman from New York hired by the faction opposed to the Lucianos, to do what he had done. Later he was hanged in the yard of the Parish Prison under dramatic circumstances. He expected to escape the gallows to the very last, and it was believed the Italians would make an attempt to rescue him. But the

Criminal Sheriff and the police had a large force of deputies and police on hand, and any demonstration was impossible. When Espare stepped out upon the gallows no familiar face met his eyes. Instead of a party of his friends with shotguns with sawed-off barrels—the favorite weapon of the Sicilians of that time—concealed under their coats, as he evidently expected to see, double lines of policemen confronted him.

Then the hangman, dressed in the fantastic garb and mask of his office, after a fashion then regularly followed but long since abandoned, jumped out from his place of concealment and seized Espare for the purpose of securing his hands and feet; the assassin collapsed and fell to the floor of the scaffold. He was hanged without further incident, the first time in New Orleans that an Italian ever was executed for the murder of another Italian. Indeed, Chandler C. Luzenberg, then District Attorney, got no help from the Italians in his prosecution of Espare. Conviction had been obtained through the evidence given by the members of the Pickwick Club and witnesses other than Italians.

For a time nothing more was heard of the Mafia.

Then came the Lamana kidnapping case.

In 1907 Peter Lamana was a prosperous undertaker in the lower part of the city of New Orleans. He had several children among them a boy between eight and ten years old. This boy disappeared. The parents received an anonymous letter demanding a large sum of money as the price of his return. If the ransom were not paid, concluded the document, the child would be killed. Lamana had already put the matter in the hands of the police. Now he tried to prevent their acting therein. He was willing to pay the money if he could recover his boy. The police, on their part, were anxious to apprehend the offenders. Before either Lamana or the police succeeded in locating the hiding place of the gang the kidnapers put the lad to death in a shockingly cruel manner.

The affair was a typical Mafia crime. One Italian was hanged for his share in it and several others were sent to the Penitentiary, where they served out their sentences. But there were features connected with the case which all the exertions of the police were unable to clear up. From the first it was believed that the actual perpetrators were but instruments in the hands of other and abler

men, who had conceived and directed the dastardly plot. Who were they? No one knows. The Mafia? Probably.

Not only the kidnaping and murder of little Walter Lamana itself, but the threats which were made by letter to perform further atrocities should Peter Lamana fail to accede to the demand of the kidnapers, excited the city of New Orleans and the entire state of Louisiana to a degree which had not been experienced in years. When the body of the little victim came to light, the fury of the populace was naturally intensified; with the result that a Vigilance Committee was organized among the more substantial citizens of the city, the slogan of which was "Death to the Black Hand." And that was the movement that was destined eventually to wipe out practically all organized Black Hand operations in Louisiana.

Little Walter Lamana's murdered body was found in a trunk which had been sunk in some four feet of mire in a swamp in the woods near St. Rose, Louisiana, in St. Charles parish, about fifteen miles from New Orleans. How the police of New Orleans, Sheriff Madere and his deputies of Jefferson, and the members of the Vigilance Committee of New Orleans tracked down the murderers and arrested most of them; how they wrung confession from them and, finally, how they sent one to the gallows and four others—two of them women—to the penitentiary for life make a story which for strange brutality and stark drama can hardly be paralleled in the history of American crime.

The credit for extracting from Ignazio Campigiano, an illiterate truck gardener of St. Rose, a confession which led to the disclosure of the plot against Lamana and the recovery of the child's pitiful remains, has been ascribed to Thomas Capo, senior captain of the New Orleans Police Department, and to Frank Mooney, then superintendent of that section of the city government. But probably these desirable results were due rather to the activities of a group of citizens whose identity has never been accurately ascertained, who tortured Campigiano into making a statement. The fact of torture has been denied, but there does not seem to be much room to doubt that the unfortunate man was hoisted up to a tree several times by a rope around his neck, and as many times lowered to the ground just before he strangled to death, until this process convinced Campigiano that he could escape a worse fate only by telling what he knew.

He knew a great deal. He agreed to lead the authorities to the spot where, eight days before, little Walter Lamana's body had been abandoned in the swamp. Those who participated in that march through the dark, still hours of the early morning in search of the body of the murdered boy, ever afterwards recalled the experience with a shudder. The trail led through a dense growth of willows and cane, across lagoons and through pools of water from eighteen inches to four feet deep, and ended at the spot where the trunk containing the murdered child's body moldered amid wild cane and grass. It was pitchy dark in the swamp. The members of the party could do little more than feel their way. Nevertheless, the trunk was fished out of the swamp and carried back to Campigiano's home, where the remains were placed in a wooden box and sent to the city morgue at New Orleans. Later they removed it to the Lamana home in St. Philip Street. Because of the fact that only a few bones and some shreds of skin remained of the once pretty curly-haired child, the contents of the receptacle were never exposed to the heart-broken mother.

Little Walter Lamana's funeral was attended by thousands of persons, who followed the cortege to St. Louis Cathedral. Chartres Street was jammed with spectators who stood outside the church while the services were being held. Everywhere were evidences of a deep feeling of sorrow and of horror.

Squads of police throughout the day patrolled the streets near the Lamana house to insure against any demonstrations. And there were none. But that was a result due to the presence of the guardians of the peace, more than to the temper of the populace.

It was, however, two Italians who really made the first arrests in this case. Judge Philip Patorno and Patrolman Simone were both of Italian birth. When they laid hands on Tony Costa, they put the authorities on the right road to the solution of the mystery of little Walter's disappearance. Probably, even had Campigiano not confessed, the result would have been the same. The Vigilance Committee satisfied itself that the plot was hatched in a house at 515 St. Philip Street, and that the scheme to steal the child and demand ransom was agreed to in the presence of a woman named Gebbia. Her husband, Leonardo Gebbia, and Tony Costa were believed to have been the actual kidnapers, although one or two others were alleged to have assisted.

The kidnapers used a covered wagon. Little Walter Lamana was lured to his death on the promise to take him for a ride and buy him some ice cream and other good things to eat.

It was on the evening of Saturday, June 8, 1907, that the child disappeared. At 2 o'clock the following morning a covered wagon, with a child and two or three men in it, was seen by a railroad employee to pass through the little hamlet of St. Rose. This information proved very valuable in assisting the authorities to trace the murderers.

On June 10 a letter reached Peter Lamana, father of the kidnaped boy, demanding a ransom of \$6,000. The letter was unsigned. It told Lamana that the boy was well, that he was given sufficient food and was "in good hands." It directed Lamana to mount a white horse—or mule—and bring the money with him to a designated spot in St. Charles Parish. And, should he adopt the alternative of informing the police, they threatened to kill the boy and send his body home in pieces. Not only that. They threatened to wreak vengeance on other members of the family. The dynamiting of the Lamana home and mortuary establishment was hinted at.

For several days Lamana kept the letter from the police. He was uncertain—afraid to act. And perhaps if he had not told a friend about the letter, and that friend had not told another friend, and so on, the matter might never have reached the attention of the police. But the contents of the Black Hand letter soon became the chief topic of conversation about the French Market.

Eventually the distracted father went to the police with the letter. He wanted them to act, but to act with the utmost caution. They did so. But they also moved swiftly. Three days after the receipt of the letter demanding the money, they had arrested nine suspects, among them Campigiano. The following day Costa was captured by Judge Patorno and Patrolman Simone. The next day, June 15, all of the prisoners were released except Costa.

Events followed rapidly from that time forward. More than a score of other suspects were arrested within the next few days. Then the process of elimination was begun. Costa was known to be friendly with Leonardo Gebbia and with others of his like. Meantime the St. Charles Parish authorities, working with the New Orleans police, secured some valuable information regarding

the movements of certain suspicious persons in and about the home of Ignazio Campigiano. More evidence about the covered wagon and its passengers came to the police.

Leonardo Gebbia was taken back into custody. Then his sister fell into the hands of the police. Frank Gebbia, a brother of Leonardo, was sought. So was Frank Incarcerterra. The latter two disappeared from their usual haunts and were never caught by the police.

It was believed that when Leonardo Gebbia and his sister were arrested, the kidnapers decided to get rid of the boy in the hope of hiding their crime and preventing exposure. The Lamana child is believed to have been murdered on or about June 16—seven or eight days before the trunk containing only the bones and shreds of skin of the victim was pulled out of the muddy waters of the St. Charles swamp.

With the arrest of Costa and the Gebbias, police turned their attention to the farm house at St. Rose, occupied by Campigiano and his wife, in which the murder was committed. Campigiano's only part in the crime was the keeping of the boy while the kidnapers dickered with Peter Lamana for the ransom money. Who actually inflicted death upon little Walter Lamana was never fully established. Some believed Campigiano, awed by threats of his fellow criminals, committed the deed. Others were of the opinion that Leonardo Gebbia did the actual killing.

When they realized that escape was impossible, the prisoners quarrelled among themselves. Each blamed the actual crime on the other. They admitted that a towel was used with which to strangle the child to death. Then his body was placed in the old trunk in which it was eventually found, and carted to the deserted swamp several miles away and cast into the mire.

When the police investigation following recovery of the body of the child was ended, it was decided to fix the responsibility of the crime upon five persons and to release all others. These five were Ignazio Campigiano and his wife, Antonio Costa, Leonardo Gebbia and his sister, Nicolina Gebbia.

The trial of the quintet several months later attracted national attention. Rumors of lynchings were afloat for weeks preceding the opening of the trial, which was held in the little courthouse at Hahnville, in St. Charles Parish. Excitement was tense when

the prisoners were called to the bar. Although the authorities insisted that they felt quite sure there would be no lynchings, they took no chances. A company of the national guard was sent to defend the courthouse and jail and remained on duty throughout the entire trial.

The verdict of the jury, inflicting the death penalty upon Leonardo Gebbia alone, did not meet with popular approval. And so more talk of lynching was heard. But the prisoners, heavily guarded at all times, were rushed to New Orleans as soon as possible for safe-keeping. Public opinion was, that at least three of the men should have been condemned to death. However, the law was allowed to take its course without interference.

II

The police tried to implicate Genova in the Luciano case, but when they went to arrest him he had disappeared. There was no clear evidence that he had a hand in the series of crimes which ended in the death of Tony Luciano. Here, as always in dealing with the Mafia, we are forced to fall back on circumstantial evidence. But after Espare paid the penalty of his treachery, Genova returned to the city. He continued to prosper in business. For some time he gave the police no cause for worry. Then, one night, the front of a house occupied by Pietro Lafiura, in Julia Street, was blown in by a bomb placed under the front doorstep. Twenty-four hours later the detectives who were watching the house saw Genova seated inside, in conference with Lafiura. They walked into the room.

"The Chief wants to see you, Genova," they said.

"No, he doesn't," replied Genova, with a smile. "Not this time. Mr. Lafiura and I were just arranging the conditions of his daughter's marriage with my nephew."

Lafiura confirmed the announcement. The detectives retired. It was noticed that no further attempt was made to interfere with the Lafiura family; but whether, as the police suspected, there was any connection between the wedding, which took place a month later with considerable pomp and much noise, and the dynamite explosion that preceded it, is another of those mysteries which have never been cleared up.

Then came the Lamana case. Genova was suspected of being involved in it also. The police felt confident that he had either participated actively in the abduction of little Walter Lamana, or that the deed was done by his agents. At that time Genova had given up his Italian-paste shop, and was operating a feed-store at the corner of Frenchman and Decatur streets. But when he was taken into custody, on a charge of being dangerous and suspicious, he denied any share in the Lamana affair, nor was there any way by which his connection with it could be ascertained.

Nevertheless, the police knew enough about his record to justify them in communicating with the Italian authorities. But Italy did not want Genova any more than New Orleans did. The police officials in Palermo seemed to think that it would be detrimental to public morals even to have Genova in jail there. Somehow, this fact seems to have damaged Genova's prestige amongst his own cronies in New Orleans. The better class of Italians in the city, when they learned his antecedents, turned their backs on him. It is supposed that either they, or the local police, or, what is most probable, both, made Genova understand that he was not wanted in New Orleans, either. So he disappeared—he and his entire family; for he was married and had numerous children. The last ever heard of him was about 1910, when he was in London.

But if the Capo Mafioso thus departed from the scene of his operations, it must not be supposed that his "gang" dissolved immediately. The indignation aroused by the Lamana case and the fight on the Mafia which began then, had far to go yet before the last traces of this villainous organization could be eradicated from New Orleans. When Genova left the city, he left behind Paul di Cristina, Eduardo di Martini, John and Tony Barrecco, Ciro Cusimano, all of whom were eventually killed; and various other individuals who had been more or less closely affiliated with him. Di Martini, for instance, was Genova's nephew. The two Barreccos were farmers at St. Rose, the little village on the outskirts of New Orleans which we have had occasion to mention so often in the course of these veracious but unedifying chronicles of the New Orleans underworld. They, too, were suspected of being implicated in the Lamana case, but direct proof was lacking, and they were not molested by the police.

Of course, the precise way in which these men lined up in the factions which divided the Italian colony must be largely a matter

of guess work. Even the New Orleans police lack exact information on the subject. Apparently, however, there were two parties, which dated back to the historic Provenzano-Matranga feud and the days preceding the Hennessey murder. Di Cristina, Moreci, Matranga and Segretto are names which, according to our best information, were to be found on one roll, while in the opposite camp were such men as the Giaconas, Di Martini, and the two Pepitones, father and son.

The first evidence that developed subsequent to the Lamana case to show that the old animosities persisted came out in 1909, when the entire city was startled by a series of attacks upon the Giaconas.

The Giaconas were wine merchants and accounted wealthy. They were quite, industrious, intelligent people, who up to then had taken no part in the feuds which rent the Italian colony. They resided in a fine old mansion on Chartres Street which, before the Civil War, had been the home of the famous Confederate general Beauregard.

One night the neighbors heard the sound of loud and angry voices on the rear porch of the Giacona dwelling. A moment later a hurricane of rifle shots broke the stillness of the hour. Then more shooting, shrill cries of frightened women, the hoarse shouting of men, and the clatter of rushing feet, the uproar gradually spreading from the building to the street. Then silence. When the police arrived three men were found dead, and a fourth, badly wounded, was traced six squares by a trail of blood, and put under arrest.

Giacona's explanation of the tragedy was simple. It was, he said, an attempt on the part of a small body of desperadoes to blackmail him. He had resisted their demand, and they had resorted to violence. There was no evidence to disprove the statement, the best element in the Italian colony was in sympathy with him, and he was released.

A few weeks later a covered wagon drove rapidly up Chartres Street. It was full of Italians. As they passed the Giacona residence a fusillade of buckshot was poured into the building. Happily, no one was injured thereby. It had been the custom of the family to spend the evening on the front porch, behind the shelter of awnings, as is the general practice in that section of New Orleans; but for some reason—this point has never been

cleared up—they remained indoors on that particular evening, and the shower of bullets, which searched every nook and corner of the porch, and which would otherwise have resulted, in all probability in the destruction of the family, occasioned no serious damage.

The wagon was traced to the village of St. Rose, in the outskirts of the city, and identified as the property of two poverty-stricken market gardeners, named Barrecco. The Barreccos were placed under arrest. They were entirely without resources. It seemed impossible that they could afford to hire an attorney for their defense, or incur the costs which a trial must entail. Nevertheless, the following morning, when they were arraigned, they were represented by the ablest criminal lawyers in New Orleans, and from that time on till the Barreccos were finally acquitted, whatever funds were required on their behalf were instantly forthcoming. Something like \$5,000 was spent in defending the case.

Where did those two penniless market gardeners get so large a sum? What influences were they which desired their acquittal?

Some light is shed upon these obscure problems by an incident which took place in Fort Worth, Texas, a few days after the arrest of the Barreccos. Two well-dressed strangers entered the grocery of John Lala, in that city, and spoke to him in Italian. Lala greeted them courteously, and invited them to be seated. After a few preliminary remarks, the elder of the strangers told Lala that one of their friends, a fellow-countryman, was in trouble in New Orleans. He was very poor, but had powerful friends. Money was being raised to help him in his predicament. Would Lala contribute, say, fifty dollars?

"Why should I?" asked Lala, with a shrug of the shoulders. "I don't know you, and I certainly don't know your friend."

"We have received liberal contributions from other Italians here," they answered, suggestively.

"Well, you won't get anything from me."

"Is that final?"

"It is," said Lala, curtly, rising to his feet and moving towards the door.

The two sinister visitors departed. That night John Lala took counsel of himself. The following morning he went to Chief of Police Polk and described the occurrence to him. Chief Polk got

into communication with the New Orleans police and from the descriptions furnished by Lala the two Italians who had attempted to blackmail him were identified as Dominick Bartoletta and Calogero Culotta, notorious criminals and suspected members of the Mafia.

The Lamana and the Giacona cases had an unexpected result. Their stark atrocity aroused the better element among the New Orleans Italians to a realization of the menace of the Mafia. Since the time of Esposito a new generation had grown up, men and women born in this country of Italian parents, with Italian names but American ideas and customs. On them the tradition of the Mafia had no hold. They repudiated the obligation of "omerta"—that "honorable silence" which seals the lips of the Sicilian and the Neapolitan whenever the authorities attempt to secure information regarding the perpetrators of crime. To them a brigand was merely a brigand, a murderer merely a murderer. That is a state of public opinion in which the Mafia cannot exist. Whether the leaders of the Mafia realized this fact, or whether they were quietly notified by the Americanized Italians in the city to "move on," will, of course, never be known. At all events, after the Lamana case, and especially after the Giacona shooting, some of the most notorious Italian desperadoes in the city deemed it wise to betake themselves to "parts unknown."

Of those who remained in the city, practically all subsequently met violent deaths. The fates of Paul di Cristina, Eduardo di Martini, the Barrecco brothers, and Ciro Cusimano would supply material for another chapter at least as long as this one. The Barreccos were, as we have seen, involved in the attempt to blackmail the Giacona family. In the fighting which took place then, Paul Barrecco and Ciro Cusimano were killed. Some time later the body of John Barrecco was discovered in a field near St. Rose, covered with knife wounds and bruises. Tony Barrecco disappeared, but is believed to have also been killed.

The end of Di Cristina inaugurated a fresh series of tragedies. He was shot to death in 1909 by Pietro Pepitone. Both of the men were in the grocery business, Di Cristina having his shop at the corner of Calliope and Howard, and Pepitone operating an establishment diagonally across the street. Di Cristina had succeeded to the control of the local Mafia, left vacant by the disappearance of Genova. He was a criminal of the most dangerous character.

After his death it was learned that he had a police record in New York and Palermo full of sensational incidents. His real name was Paulo Marchese. He was, for instance, implicated in the killing of the famous New York detective, Petrosino, assassinated in broad daylight in the most frequented square in Palermo. He was suspected of complicity in a notorious "barrel" murder, in New York, in which a Sicilian was the victim. Petrosino worked up the case against Di Cristina, but the latter fled to New Orleans before he could be arrested, and managed to keep his identity from the police until the search for him had been dropped. But he resolved to be avenged upon Petrosino, and was one of those most active in plotting the cruel death of that gallant officer.

Naturally, Pepitone did not take any chances with so dangerous a fellow-countryman. When he and Di Cristina fell out over business affairs, the latter threatened Pepitone's life. One night a wagon drew up at the curb in front of the Pepitone's establishment. In it were Di Cristina and Di Martini, Genova's nephew. Pepitone came out on the front porch in response to their summons, and when he saw who wanted him, without hesitation opened fire with a double-barrelled shot-gun loaded with buckshot, which he prudently carried with him to the front door. Di Cristina was slain instantly, but Di Martini was uninjured. He whipped up the horse, and drove away before Pepitone could reload and fire again.

Pepitone was arrested, acknowledged the killing, went to trial, pleaded self-defense, was convicted of manslaughter, and was sentenced to serve twenty years in the Louisiana State Penitentiary. This was in 1910; he made a model prisoner, and was pardoned six years later.

In the interval Di Martini had come to his end. One night in 1910 a man whose identity was never established, accosted Di Martini as he was crossing the corner of Bourbon and St. Ann. He stopped to reply; whereupon the stranger shot him. Vincent Moreci was taken into custody on suspicion of having committed the crime, but he was acquitted. People remembered that some months previously Moreci had been attacked and wounded in the head by two persons whom he professed himself unable to identify; but there were witnesses to that episode who believed that Di Cristina and Di Martini figured in it.

Di Martini was that singular type—a red-headed Italian. He was never known to work, yet always had an abundance of spend-

ing money. It was assumed that he was a leader of the local Mafia, and whenever an Italian murder took place, the police, as a part of their routine, went to look for him. But they never found him. Always at such times Di Martini was missing. Before his impregnable alibi the authorities were powerless to prosecute him for the crimes in which they were convinced he had a part. This conviction was strengthened whenever Di Martini interested himself to raise money for a fellow-Sicilian in trouble with the law; as he always did, whenever his partisans were concerned. So no tears were shed over his death. But Moreci did not survive long to enjoy his triumph. A few months later he was waylaid as he was returning home from a day of labor at the Thalia Street banana wharf. He was shot in the eye and his body was riddled with buckshot. The murder was committed at 2:30 in the morning. It was Moreci's custom to take the two o'clock street car on the Esplanade line, as it left from the head of Canal Street, after completing his night's labors. He lived in Kerlerrec Street, and this car took him quite near his home. As he descended from the car at the corner of Esplanade Avenue and Rampart, and was about to start down towards the next square, several men fired on him with sawed off shot-guns, killing him instantly. The assassins then scattered and escaped. One of the shot-guns, a pistol and several cartridges were found near the body.

But the Genova-Di Cristina gang, though crippled by these losses, was still strong enough to avenge the deaths of its leaders. At this juncture Pepitone returned from the prison in Baton Rouge. He and his son Michele—more commonly known by the excessively un-Italian nickname of "Mike"—went into the grocery business at the corner of Scott and Ulloa streets. Not many days after the family was thus happily reunited, the elder Pepitone surprised two Italians skulking in an alley near the home, and fired several shots at them—ineffectively. He told the police that he recognized in them some ill-favored individuals who had been hanging around his grocery-store for several days, and who evidently were planning robbery.

Then, a few months later, the Mafia scored. "Mike" Pepitone was murdered in a particularly brutal manner. One Sunday afternoon in October, 1919, an Italian was seen in earnest conversation with the younger Pepitone. Later on, it was recalled that another person, obviously of Italian origin, had been seen acting in a sus-

picious manner in the vicinity of the Pepitone shop. At any rate, that night, about 1 o'clock, two men made their way into "Mike's" bedroom, and struck him over the head eighteen times with a piece of iron pipe on the end of which had been screwed a three-inch nut. Pepitone's head was battered into an un-recognizable mass.

"Mike's" wife was aroused by her husband's groans, in time to catch a glimpse of the murderers as they made their way out of the house by a rear room. All she could do was to scream for help. When it came, however, the victim of the attack was dying. He was hurried to the Charity Hospital, but survived only a short time after reaching its merciful shelter. One singular feature of the case was, that although the six children of the Pepitone couple were asleep in the adjoining apartment at the time of the murder, they were not disturbed until the excited neighbors, flocking to the scene of the crime, shook them into wakefulness. Or at least that was the way matters were reported to the police.

III

And here we must digress. Before going on to relate how the death of "Mike" Pepitone was avenged, we must describe the "Axe Murders" which terrified New Orleans and its suburbs in the latter part of the year 1910 and again in 1919 and 1920. Incidentally, we shall have to bring on the scene "Doc" Mumfre, who may—or may not have been—another arch Mafioso, worthy successor to Esposito, Genova, Di Cristina and the rest.

The "Axe Murders" were so called because an axe was generally used in committing them. I say, generally; but this was not invariably the case. On at least one occasion, as we shall see, a different implement was employed. The murderer, however, always followed an identical procedure. He effected an entrance through a rear door, smashing the panels with blows of some heavy instrument, presumably the axe subsequently used in the murder, and then made his way to the victim's room and attacked him while sleeping, or, at least, while in bed. The exactness with which this program was followed in each instance served to link the crimes together, although they occurred over a long period of time. It left no doubt, also, that they were all perpetrated by a single individual.

These crimes began towards the end of the year 1910, with the assassination of a man named Cruetti, a butcher who owned and operated a small shop in the lower part of the city. Not long afterwards Joseph Davi and Tony Sciambra were similarly put out of the way. Then for eight years no axe murders occurred. But in the summer of 1919 a second series—more terrible in certain respects than the first—began. A man named Andolina was murdered in the upper section of New Orleans currently known as Carrollton—now one of the choicest residential sections of the city. Then Joseph Maggio and his wife were slain at the corner of Magnolia and Peniston streets. And there were others—ten or twelve in all. Each was hacked to death with an axe. Finally, the infant child of Charley Cortimiglia was slaughtered in a particularly gruesome manner in Gretna, a suburb of New Orleans, on the opposite side of the Mississippi River.

These killings were so ghastly that the entire city was aroused. In the localities affected citizens formed a vigilance committee and for some time picketed the streets by night. The police, unable to solve the mystery of these crimes and helpless to prevent their repetition, advised the people to take this step. The precaution may not have been wholly ineffective, inasmuch as, in addition to the killings aforementioned, the "Axe Man," as he began to be called entered or attempted to enter various other residences, but was frightened away before he could carry out his sinister designs.

In the midst of the excitement caused by these incidents came the horrible death of "Mike" Pepitone, slain in the manner which we have already detailed. The substitution of a bit of iron pipe for the customary axe differentiated his case somewhat from the rest of the series, but subsequent events showed that it, too, was essentially an "axe" murder—that is, it was the work of the person responsible for the other killings.

No arrests were made in connection with the axe murders except in the case of the brutal slaughter of the Cortimiglia baby, and even then the prisoners turned out to be innocent. No theory was ever advanced which satisfactorily explains every detail of these strange crimes. It is, however, a significant fact that their occurrence and their cessation coincided with the presence in the city or the absence therefrom of an ambiguous individual by the name of Mumfre. "Doc" Mumfre he was called, though why the medical title—which superseded his baptismal appellation

altogether in the annals of the local police department— is a matter of conjecture.

The precise date of Mumfre's advent in New Orleans is unknown. He was not a native product. In all likelihood he came from Sicily, and reached New Orleans through the usual channels via New York. The first series of axe murders began soon after his arrival, and came to an end when Mumfre was sent to the Louisiana penitentiary at Baton Rouge as a result of the dynamiting of the grocery store of Charles Graffagnino, at the corner of Claiborne and Palmyra streets. The second series followed hard upon Mumfre's release from prison in 1919. It closed after Mumfre's departure for California, following the Pepitone murder. Let us be just to "Doc" Mumfre. These dates may have just been coincidences, signifying nothing. But it happens that he lived very well in New Orleans, though without any known business or profession; and eventually, as we shall relate, information came into the hands of the police which convinced them that he was a blackmailer, the head of a blackmailing gang which operated not only among the Italians in New Orleans, but among those in half a dozen other American cities besides. He was, then, a type which might have committed the axe murders. That, in conjunction with the other facts we have recited, seems to be conclusive.

The dynamiting of the Graffagnino grocery store, however, was no exploit of his. The only reason the police had for identifying him with it was a foolish boast by Mumfre himself. He intimated that he knew much more about the affair than he was willing to reveal. It was, moreover, "a good piece of work," something of which he himself would be proud. With those hints the police built up a strong circumstantial case against him. But some years later, when more was known about the explosion, Mumfre was exonerated of all responsibility therefor. It was realized that he had deliberately courted suspicion in order to magnify his evil prestige and make the collection of future blackmail easier among his terrified fellow countrymen. Incidentally, the police implicated in the destruction of the Graffagnino store a man named Pumiglia, who also was sent to prison, served his time, and was ultimately shown to have had nothing to do with the crime.

Mumfre was a model prisoner, and so had to serve but a fraction of his twenty-year sentence. He was set at liberty on parole in 1917. He had been free only a few months when he was

picked up by the officers in Jefferson Parish, just north of the city of New Orleans. He was in the company of another Italian, named Angelo Albano. The charges against the men were purely routine in character, but when Mumfre was searched, a loaded pistol was found concealed in his clothing, and as that constituted a violation of his parole, he was incontinently returned to duress vile. Also there was found on his person a notebook containing the names of more than a hundred Italians residing in New Orleans and elsewhere. It was this little, much thumbed, grimy volume that gave the police a clue to his blackmailing operations. He was one of those whose watchword was "Deliver, or else . . .", and the dark shadow of the Mafia hung over those who hesitated to obey. Of so much the authorities were convinced. But they secured no further evidence against Mumfre. He had covered his tracks too cleverly for them to be followed.

This time Mumfre remained two years in the penitentiary at Baton Rouge. Again he was paroled. This was in 1919. The reader will observe that the second series of axe murders began in that year. Finally, Pepitone was done to death. After that, Mumfre left New Orleans, and the axe murders ceased. The police drew a sigh of relief and relegated the whole bloody story to the limbo of unsolved local criminal mysteries—of which, alack! there are a good many.

But there was one person who did not forget—one person for whom there was no mystery. That was Mrs. "Mike" Pepitone.

When, after "Mike's" ghastly end, the buxom widow was interrogated by the agents of justice, she gave only the vaguest and least satisfactory description of the murderers. Nor could her numerous relatives in the vicinity of the modest Pepitone home furnish any more definite data. In fact, the police were reminded that "Mike" was himself rather an unsavory character, and that, at the moment of his tragic demise, charges were pending in the City Criminal Court against him for having maliciously pushed his little son from the stoop in front of the house, thereby injuring the child's leg. The impression was encouraged that "Mike" had gotten just about what he deserved, and what was the use of prying further into the affair? But we must believe that this was merely designed to throw the sleuths off the trail. The Pepitones—particularly Mrs. P.—knew just what was to be done in the premises. They—especially she—were perfectly capable of avenging husband,

or son, or father, as the case might be. They did not have to depend on the authorities to handle the matter.

Shortly after being widowed as aforesaid, Mrs. Pepitone became the bride of Angelo Albano, the same man who, a few years previously, had been arrested as a dangerous and suspicious character in company with "Doc" Mumfre. The reader is at liberty to puzzle out for himself the reasons prompting this marriage. Frankly, the present chronicler is at a loss to account for it. Was Albano really a friend of Mumfre's? Were they in Jefferson Parish back in 1917 on some errand connected with Mumfre's blackmailing schemes? Or was Albano less a friend than he seemed, and was he, perchance, cultivating Mumfre only until a chance presented itself to slay him, as so often happened in that strange, dark interplay of plot and counterplot in the heyday of the Mafia in New Orleans? Who knows?

After his departure from New Orleans Mumfre, it seems, settled in Los Angeles. He adopted the name of Leone. That, it will be recalled, was the name of Esposito's chieftain fifty years before, in Sicily. Here again the reader is at liberty to assign as much, or as little importance to the fact as he desires. Mr. and Mrs. Albano decided to leave New Orleans and settle in Los Angeles also. Perhaps there was no reason for their choice other than the well-known attractions of the California climate—or perhaps there was some business opportunity there that especially interested them—or perhaps Albano and his newly-wedded spouse had dedicated themselves by the oath of the vendetta to a task which had nothing to do with climate or business.

Apparently, no one suspected in the blooming Mrs. Albano the widow of "Mike" Pepitone. And that is curious, because, when you come to think it over, her identity ought to have been evident to "Doc" Mumfre. But, for all we know, he never had any idea about her except that she was the wife of his old crony. Perhaps he was glad to see Albano again. Or perhaps he was not. At any rate, not long after the long-severed acquaintance was renewed, Mumfre approached Albano with a demand for money. Albano curtly refused. That was in October, 1921. A few nights later Mrs. Albano sat in her little home waiting for her liege lord. He did not come. He never came. No one knows what became of him.

Mrs. Albano went immediately to the chief of police of Los Angeles and laid the matter before him. She did not hesitate to

accuse Mumfre of having murdered her husband and concealed the body. But she had no evidence to bolster up her story. It was odd, too, that she should have had recourse to the Los Angeles police in the case of Husband No. 2, when she had carefully avoided the New Orleans officers in the case of No. 1. Perhaps she intended in some way to throw Mumfre off his guard, though just how that would follow an appeal to the police is not at all obvious.

At any rate, Mumfre, triumphant and wishing to profit by her failure to secure the co-operation of the local authorities, went to see her one night.

"You think you can get me into trouble, eh?" he demanded. "Well, you see how it is. It won't work."

The widow looked at him silently with her brooding eyes.

"It's going to cost you five hundred dollars," persisted Mumfre. "Come, give me the cash. I know you have the money. Angelo left it with you. Go get it!"

"Never!"

"So?" laughed Mumfre. "Like that?"

With one hand he seized her by the arm. The other, clenched and hairy, he raised to strike her.

The woman had evidently anticipated something of the sort. Quick as thought her free hand travelled to her breast. There was a pistol there. It flashed forth. With the muzzle only a few inches from Mumfre's body she fired. The bullet traversed his chest. Mumfre fell to the floor, dead.

As Mrs. Albano stood there looking down at the body of the man whom she had slain I fancy that she smiled grimly. It had been a long way, but she had followed it steadfastly—the trail of blood that led from "Mike's" grave westward. The vendetta had been accomplished.

The only reason for associating "Doc" Mumfre with the Cortimiglia case is that it was one of the axe murders, and we have ventured to assume that he was responsible for these crimes. But the police were drawn off on a false scent in that affair, misled by the statements of the small victim's mother. They took into custody two men, father and son, whom they subsequently had to release. At the first glance one concludes that Rosie Cortimiglia's accusations, which were the basis of the arrest, were the

fruit of an unsound mind, but on further reflection that does not seem so certain. In the tangled crimson web of Mafia history the pattern is never easy to follow: it may be that what seem the inconsequent declarations of a silly woman were prompted by something much more subtle than appeared on the surface.

The Cortimiglia murder took place on March 9, 1919. It was the sixth axe murder in the period beginning in the previous May. Early on that Sunday morning Charley Cortimiglia and his wife, Rosie, were discovered lying unconscious on a bed in the rear room of the Cortimiglia grocery at the corner of Second and Jefferson streets, in Gretna. Mary, their daughter, aged two years, was dead. All three had been beaten with some weapon. A bloody axe was found in the yard of the house. The building had been entered by cutting away the lower panel of the back door, the method of entrance observed in all of the axe murders.

Mrs. Cortimiglia's wounds compelled her to spend several weeks in the New Orleans Charity hospital. When she had sufficiently recovered, she was removed to the Gretna jail and held as a material witness. The authorities were not satisfied with her versions of the affair. Finally, she made a statement implicating Orlando Jordano and his son, Frank. Orlando was a man sixty-seven, sadly crippled with rheumatism, and with eyesight so defective as to be practically blind without his glasses. Frank Jordano was a youth of seventeen. Father and son—so Rosie Cortimiglia said—entered the bedroom together, and the younger had killed the baby and struck herself and her husband with an axe handed him by the father. The police ascertained that the Jordanos owned the property where the Cortimiglias lived, and that, at one time, there had been some ill-feeling between the two families. But this difference had been patched up, and on that fatal Sunday morning Frank Jordano had been among the first to reach the scene of the murder with offers of aid to the injured couple. Anyhow, the fact was considered to supply a motive for the crime.

When put on the stand at the trial Rosie supplied abundant details of the murderous attack. This was curiously in contradiction to her attitude immediately after the murder, when she said she was entirely unable to identify her assailant or to describe what had occurred. Now she explained that she and her husband had closed the store at eleven o'clock that night and retired. At mid-

night, she continued, she heard a noise. She called Charley, who lay sleeping at her side.

"It's somebody trying to get into the store," he replied. "I'm not going to bother with them. Let 'em take what they want. I don't care to get hurt."

They went back to sleep. Then, suddenly, Rosie said, she was aroused by the entrance of the Jordanos. "What are you doing here?" she demanded of Frank Jordano, whom she recognized.

"I'm going to kill the baby," replied the boy. "It's crying all the time, and I'm tired of hearing it."

It was then, according to Rosie's sworn testimony, that Orlando fetched the axe. Frank struck the baby three times, killing it instantly. Then he attacked her husband and herself.

"Why," asked the attorney who conducted the examination, "did you not scream, or try to awaken your husband?"

"I was afraid."

"Did you make any effort to prevent the murderer from killing little Mary? Did you put up any sort of fight?"

Rosie simpered. "I am too much of a lady to fight," was her extraordinary reply.

Throughout the proceedings the Jordanos exhibited remarkable coolness and courage. At its close Frank asked permission to make a statement.

"Judge," he began, in a tone the simple sincerity of which impressed many in the courtroom, "I wish to say that, before my God in heaven, I am absolutely innocent, that I did not kill the baby, and that I do not know who did it. I had no connection with the crime. When Rosie Cortimiglia says she saw me in her room that night, if she is in her right mind, she is telling a deliberate falsehood. It is bad enough for people to make her tell this lie about me, but there is no excuse for making her do so about my poor old father. When she says she saw him in the room, and that he went out and got the axe, she is not telling the truth. I know that I may be hanged as a result of this woman's testimony, but I would rather be hanged than know that an innocent man had suffered through lies told by me. And that, Judge, is what some people will know when I am dead."

Two significant facts were adduced at the trial. One was that though the Cortimiglias had a large sum of money in the house on that fatal night, this was not touched. Robbery, therefore, was not the motive of the crime. The other was that the baby's head bore two wounds each the size of a half-dollar. As Frank Jordano said, had it perished from blows with an axe, the poor little person's skull would have been reduced to a mere bloody pulp. That was not the case.

The trial of the Jordanos occupied an entire week. It was one of the most sensational events of its kind ever known in Jefferson parish, and attracted spectators from miles around. Hundreds of people crossed the river daily from New Orleans in order to attend the sessions of the court. At last the jury presented its verdict. Frank and his father were found guilty of murder in the first degree. The former was condemned to be hanged, but on a recommendation of mercy from the jury, the elder Jordano was given a life-term in the penitentiary.

The verdict is not altogether easy to explain. The discrepancies in Rosie's testimony have already been indicated. The defense tried to show that the crime had been committed by the same person who was responsible for the earlier axe murders, and that could not possibly be either of the Jordanos. Two men who had miraculously escaped death at the hands of the Axe Man were subpoenaed by the defense. One was Louis Besumer, who with his housekeeper, Annie Harriet Lowe, had been attacked in her grocery on Laharpe Street in June, 1919; and the other was Tomaso Andolina, who with his wife and two small sons had had a narrow escape from a horrible death when their home in the upper part of New Orleans was invaded by the Axe Man. These people were not permitted to reply to a hypothetical question intended to show by their experience that the Axe Man, and no one but the Axe Man, could have been concerned in the Cortimiglia case. Various other persons, who had made a close study of the axe murders and who were convinced that the Jordanos had nothing to do with the present affair, were also excluded from the witness stands, among them Mooney, Chief of Police, of New Orleans. In fact, the verdict was reached on insufficient evidence and was largely influenced by the newspapers and public opinion, which demanded that somebody be punished for the crime, it did not much matter whom.

That this was the fact was demonstrated in February, 1920, when Rosie Cortimiglia made a confession completely repudiating

her accusations against the Jordanos. Her change of attitude followed hard upon her arrest in a Bienville Street dive on charges of violating the moral code. Chief of Police Mooney believed that she was the victim of a "frame-up," and ordered her release. Charley Cortimiglia seems to have been of the same opinion for he required very little persuasion to take her back into his home. Was she really "framed"? And if so, by whom? And did resentment at that fact have anything to do with her confession?

"After I was released from the hospital," she said, "everybody kept on telling me that the Jordanos, who lived next door to us on Jefferson Street, had done killed the baby. Somehow, I came to believe that. That was why I testified as I did at the trial. But, really, I was no more certain then than I am now about it. I knew the Jordanos well. I saw them every day of my life. I spoke to them frequently, to father as well as to son. If they had killed my baby, I should have recognized them. But not in face, or figure, or voice did the murderers resemble the Jordanos. I said on the witness stand that they had done it, because everybody had said that it must have been them, and because I remembered that they had quarrelled with my husband soon after we moved to Second and Jefferson streets."

Her own explanation of her motive for making the confession was strange. "Last night I had a dream," she said. "I thought I was dying. I was on my death bed, and I could feel all the pains of death. The blessed Saint Joseph came to me and told me: 'Rosie, you must not die with that boy's life and that old man's suffering on your soul.' I was afraid to go to sleep again. I made up my mind then and there to tell it all. I am telling the truth now."

Rosie made her statement to a newspaper reporter in the editorial rooms of one of the New Orleans dailies. He has left on record the curious fact that, as she told her story, "her empty little laugh" echoed through the apartment "from time to time . . . while a lawyer quietly questioned and witnesses sat motionless in the suspense of the moment." The confession undoubtedly saved two men from undeserved punishment. But was it as veracious as Rosie represented it to be? Was she altogether sane? Was her accusation in the first instance merely the vagary of an unbalanced mind? Or . . .

Because, after all, back of her contradictory statements, looms a shadow fraught with menace. Some one killed the baby. Who? Was it "Doc" Mumfre? What grudge could he—could anyone—have against a two year old child? Obviously, the crime was directed against the parents; but if so, why did they escape with only a few minor cuts and bruises? Why do we hear so little from Charley Cortimiglia? Surely he must have known something about the case. He said he was asleep when it all happened; he knew nothing that would enable him to name a possible murderer. . . .

Well, anyhow, that is the story of "Doc" Mumfre and the axe murders, as far as it will ever be known with any certainty.

IV

In order to complete the tragic story of the Cortimiglias we have allowed ourselves to anticipate somewhat the strict chronological order of our narrative. We must now return to the year 1913, and resume the story of the Mafia in New Orleans, as it unrolled itself subsequent to the death of Di Cristina. Not that the tale is particularly worth telling. It must be confessed that, after the date mentioned, the Mafia was not what it had been. It lost quality. Instead of crimes the picturesque character of which atoned to some extent for their brutality, we have a series of petty killings—assassinations devoid of the spectacular element, and hardly deserving to be put on record for the information of the curious reader. But in the interests of history, and in order to round out the narrative, we proceed to set down the most significant items on the gory list.

In 1913, it seems, the Sicilians in New Orleans were distributed between two groups, between which a state of more or less open war existed. This was the outcome of the fight between Genova on one side, and the two Lucianos on the other. The friends of each rallied to the support of the respective leaders; and after the departure of Genova from the city, and the death of the two Lucianos, continued to shoot and stab each other in deference to the animosities engendered in the primitive stages of the struggle. This later development constitutes the Giovanni-Pepitone-Di Martino feud, famous in New Orleans police history and fruitful in slaughters of one kind or another. In the Third Police Precinct, for example, in the region around the intersection of St. Philip and Chartres

Streets, there were, between 1913 and 1927, seventeen murders which were, in all probability, due to the vendetta.

As the reader proceeds with our story, he cannot fail to observe that many of the persons involved were grocers, or persons who supplied the goods, wet and dry, dispensed by these petty merchants. These groceries were usually very small, dingy places in small dingy neighborhoods. They were full of oddly-named Italian foodstuffs, and reeked with smells of spice and grease, salt fish, sea-weed, and garlic. There were to be found, tucked away in the darker recesses of these establishments, all through the Prohibition Epoch, flasks of heady Italian wine. Shall we not conclude that this last fact had much to do with the animosities which required so much bloodshed for their appeasement?

We shall dismiss as irrelevant to the present discussion the removal of Anthony Genna on April 17, 1912. It was merely a routine Mafia assassination. Mario Cancenu, who at one time rented a room in the Genna home, returned on that evening, ostensibly to get some clothing that he had left behind. He and Genna strolled into the yard behind the building, and there Cancenu shot his host to death. He then walked quietly away and was never heard of again. No motive was ever ascertained for this killing. It cannot therefore be set up as exhibit No. 1 in the history of the feud, however much we should like to begin with so typical an episode.

In 1913 the names which one heard mentioned most often in connection with the feud were those of Giuseppe Di Martino, Philip and Sam Segretto, and the two Giaconas, uncle and nephew. Each and every one of these men suffered in one way or the other within the next year or two. Di Martino, for example, perished in broad daylight at the hands of an assassin in front of a grocery store at the corner of St. Ann and Bourbon streets. As he stepped out of the front door of this little establishment, a man came up, drew a pistol, and shot him through the heart. He then ran two squares to a passing street car, leaped in, and escaped. For this crime Vincent Moreci was arrested. There can scarcely be any doubt that he was guilty, although no evidence was obtained on which to hold him.

Philip Segretto was killed not many weeks later. Fate overtook him as he was walking along Perdido street, near Liberty. It was nine o'clock in the morning. Segretto was on his way to a

drinking-place at the corner of those streets, of which his brother was proprietor. He had just passed a vacant lot when three young men suddenly emerged from no place in particular, and opened fire on him with sawed-off shot guns loaded with buck shot. Segretto suffered many wounds, including one in the left arm, which was almost torn from the body by the shot.

Sam Segretto and the Giaconas were attacked and wounded but escaped with their lives. Sam was a brother of Philip. As he was walking in a crowded thoroughfare in the lower part of the city, a man brushed against him in a most casual manner, plunged a knife in his side, and continued on his way as though nothing had happened. So unconcerned was the miscreant's demeanor that nobody thought to stop him, and he got away. The elder Giacona, who, ten years previously, had shot to death three of his enemies and subsequently had so narrow an escape from a similar fate, as already related in these pages, was waylaid in front of the main entrance of the Monteleone Hotel, a popular hostelry on Royal Street, not far from Canal. Giacona was accompanied by his nephew. Three men sprang from a doorway on the opposite side of the street and fired at the pair. Both of the Giaconas fell, but their injuries, though serious, were not fatal.

An imaginative newspaper writer—there were such, even in those days—invented the name, "Circle of Death," to describe an area thirty feet in diameter on St. Philip Street, near Decatur. It was a good name, justified by the fact that in the course of eight years three murders were perpetrated on the spot. The first of these occurred on January 14, 1914, when Salvatore Screvezza was shot in the abdomen. He was an unintended victim of the feud. A square away, at the corner of St. Philip and Chartres, two men, Salvatore Barocco and Michael Dartello, undertook to snuff out each other's lives, and in the process deluged the neighborhood with pistol balls, one of which inflicted a mortal wound on poor Screvezza. He died four hours later. Barocco, who was a youth of twenty-three, sustained a wound in the left shoulder, from which he eventually recovered. Dartello, who was nearly twice as old as his adversary, and therefore probably more expert in such affairs, managed to get off without a scratch, and what is more, without the police being able to overtake him.

The next in this group of assassinations was curious. It was the killing of Mrs. Nicolas Caliva. She owned and operated a little candy shop on the periphery of the "Circle of Death," at 609-611.

St. Philip Street. One Sunday night in April, 1916, she was sitting in her shop with her daughter, Rosie Contisano. Suddenly a man poked his head in at the door, made sure that his victims were in range, drew a pistol, and fired three shots. Two of them shattered the glass top of a cake stand, narrowly missing the Contisano women. The other struck Mrs. Caliva in the abdomen. She tumbled into her daughter's arms, shrieking, "O my God, they have killed me!" As indeed "they" had.

The murderer ran out St. Philip Street to Chartres and down the latter thoroughfare to Barracks, and there plunged into an alleyway beside the residence of Mrs. Nicolas Hebert. Somehow he managed to gain the roof of that building, and there, finding a scuttle open, let himself down into the attic. Later, when Mrs. Hebert happened to go to a pantry on the third floor of her home, she found the fugitive cowering there. In broken English he implored her to let him remain, but she, badly frightened, turned and fled screaming down stairs and into the street. A crowd assembled and searched the house. But it was too late. The quarry had escaped by returning to the roof, making his way across various other roofs, and then down into the street, where he vanished. Mrs. Hebert furnished the police with an excellent description of the man, but he was never located.

No motive was ever produced for the murder of Mrs. Caliva. Her daughter professed entire ignorance of any fact that might shed even the smallest light upon the subject. But evidently the poor woman knew something which, from the viewpoint of the Mafia, it was highly desirable should not be communicated to the police, and her removal followed as a sort of precautionary measure.

Finally, there was the murder of Joe Venezia, which took place within the so-called "Circle of Death" in 1922. Venezia was about twenty-eight years of age. He operated a grocery store at 2039 Seventh Street, miles away from the spot where he met his death. So far as known, he had received none of the threatening letters that usually announced the Mafia victim's impending execution, nor had there been any attempt at kidnapping, nor can he be said with certainty to have been affiliated with either one of the two factions mixed up in the feud to which we have alluded. Nevertheless, he was a victim of the vendetta—a Mafia victim, if you please.

L

On that day he drove in his truck down to St. Philip Street, and parked in front of a fruit-and-produce store run by a man named Corullo, at 612 St. Philip Street. He then crossed the street to a macaroni shop, bought a quantity of that delicacy, brought it back to his vehicle, and stowed it properly away. Then, just as he was about to swing himself into the driver's seat, two pistol shots rang out, and he sank dying to the pavement with the usual bullet in the abdomen. His death seemed to lift the evil spell which lay upon that particular spot. Since then, there has been no bloodshed within the "Circle of Death."

One singular circumstance may be noted in Venezia's case. Diagonally across the street from the place where he fell, stood the undertaking establishment of Peter Lamana, father of the hapless boy whose abduction had aroused so much excitement in New Orleans fifteen years before. Lamana had died in the interval, and the place was now being managed by his widow.

We have deferred to this point an account of the attack on Vicente Di Georgio, because it is not easy to fit into the chronology which we have so far striven to follow. It took place in 1916, but the tragic sequel which followed was postponed to 1922. Di Georgio was only wounded in the first instance, but his enemies made a better job of their second effort. A special interest attaches to Di Georgio's case, for although he was a New Orleans product, he met his end in Chicago, apparently at the hands of a gunman sent to that city especially for the purpose.

Di Georgio was another grocer. He did business in 1916 at the corner of Dauphine and Marigny streets. One day an Italian ice-cream pedler passed by, raucously proclaiming the cheapness and toothsomeness of his wares. The next day he repeated the manoeuver, and the next. Eventually the Di Georgio family began to purchase his product, and in that way a quasi-intimacy established itself between them and the stranger. Finally, the latter announced himself as one De Pecci, formerly a strawberry picker in Tangipahoa Parish, but now a perambulatory merchant in New Orleans. All that seemed innocent enough, and when he said that he intended to cement the new friendship by having a box of berries sent down for the Di Georgios from the scene of his former activities, that, too, seemed right and natural.

Di Pecci—or DePeche, as the newspapers subsequently spelt the name, anglicizing it after a barbarous manner of their own—

delivered the fruit in person. Di Georgio invited him to sit on the stoop at the rear of the grocery store, overlooking the rear yard. Here they were joined by a friend of Di Georgio, named Gilardo. The three men chatted amiably enough for a few minutes, and then DePecci drew a pistol and emptied its contents into his companions. Di Georgio carried off two bullets in the left lung. Gilardo was shot in the abdomen. Both wounds were grave, but the men eventually recovered from them.

Di Georgio took the hint. He closed out his business in New Orleans and went to Los Angeles, California. He was there when in 1921 two men, Joe Gaeto and Dominick Di Giovanni, were killed in Tupelo Street, in the upper part of New Orleans. The New Orleans police rather thought that Di Georgio knew about that killing, but before his impregnable alibi they were powerless to proceed. We shall return to this particular killing a little later. What now concerns us is to know that in 1922 Di Georgio was in Chicago. On May 14th he went to a barber shop for a shave. In the place was another Italian named Cascio. Just what happened is not altogether clear, but when the smoke cleared away, both Di Georgio and Cascio were stretched on the floor of the little shop, stone dead. Although the shooting took place a thousand miles away, it was really a New Orleans crime. There can be no question but that some one was dispatched from the Southern city with a mandate from the Mafia to put Di Georgio out of the way, and apparently followed the doomed man to Los Angeles and then to Chicago, without getting a chance to carry out his mission until that luckless day when Di Georgio decided that he needed a shave.

The reader, who is undoubtedly much cleverer than the present writer, and therefore perceives all of the subtle implications involved in the facts which we have laid before him, will perhaps get light upon the Di Georgio matter from the Gaeto-Di Giovanni case. The present writer humbly admits that he has not profited much by a study of either affair, in spite of the police theory that Di Georgio was concerned in the removal of the two men mentioned. Gaeto and Di Giovanni were found seated in a parked automobile in front of the home of Leonardo Cipolla, in Tupelo Street. The automobile and its occupants were riddled with buckshot. Just how that happened nobody ever knew. Cipolla was, naturally, suspected. He fled and for a week managed to elude pursuit, but even when he was finally taken into custody, there was not sufficient evidence against him to warrant the authorities in making a formal charge

against him, and he was set at liberty. All that can be said to link Di Georgio with the crime is, that he was thought to be a member of the faction opposed to Di Giovanni in the feud, but the fact that, at the time of the murder he was in Los Angeles, made his complicity doubtful.

The authorities agreed, however, that the killing of Di Giovanni was in the way of a mistake. Gaeto, indeed, was marked for death. What the assassins expected, however, was that Gaeto would be accompanied in the automobile by a man named Deamone; it was their intention to dispatch these two. Instead of Deamone, however, Gaeto invited Di Giovanni to ride with him, with the results related. Deamone was reserved for a death on the scaffold at Independence, Louisiana. He and five other low-class Italians killed Dallas Calmes, a restaurateur in that little town, in May 1921; were convicted of that cold-blooded murder, and were hanged in 1922—in what is probably the only sextuple execution that has ever taken place in the United States. The reason why Deamone did not join Gaeto on the fatal automobile ride was that he preferred to participate in an attempted bank robbery at Independence.

The police were inclined to think that the blotting-out of the lives of Gaeto and Di Giovanni, which involved no loss to the community, inaugurated a new era in Mafia activity in New Orleans. In this development the main interest was rum running and automobile stealing. Just how the two victims fitted into that scheme of things none can say; whether they were shot by competitors, who took this effectual way of eliminating them from a profitable industry; or were something like innocent by-standers; or had been guilty of some infraction of the Mafia laws, the punishment for which was invariably death. At any rate, about 1921, they had arisen among the younger generation of Italians in New Orleans a new criminal brotherhood, or brotherhoods, numbering perhaps scores of individuals. The police buttressed up their theory by citing various recent events, which indeed seemed to show that new interests had emerged in local situation, and that the forces which had so long carried on the old Genova-Luciano feud had undergone a realignment; and that, of course, was tantamount to saying that the bloody chapter in the criminal history of New Orleans which we have been trying to write had arrived at its termination.

However, this phase of the Mafia—for, doubtless, it was the Mafia in a somewhat altered form—need not detain us. Our duty is to round-out the story of the long series of inter-related crimes which began with the advent of Esposito in New Orleans, and which lasted more than fifty crimson years. To do that requires us to relate but one final episode.

That concerns the murder of Joseph Di Trapani in Los Angeles, California, in June, 1925. Although the crime was committed two thousand miles away, it properly belongs to New Orleans, for Di Trapani was one of Genova's original gang and had been active against the two Lucianos in 1903. He was a Sicilian, and came to New Orleans when a lad, to work in a lemon-importing establishment founded there by his brother, Philip. Philip was an honest, hard-working, upstanding fellow. Joseph was quite the contrary. Soon he began to be entangled in the low-life of the city. He opened a barroom and grocery in Decatur Street, near Barracks, in a malodorous quarter of the city. This place became the resort of all manner of dubious characters. There can be no doubt that Di Trapani was mixed up in one or more crooked affairs, and that his associates knew about them, and were in a position to tip-off the police. So Joseph had to buy their silence, and that was a constantly-growing expense.

Joseph Di Trapani first came into notice as an enemy of the Lucianos when haled into court by Tony of that ilk, in an effort to collect a debt. That was about a year after the assassination of Salvatore Luciano. The case dragged along in the courts until that fatal Sunday when Tony Luciano was done to death. Not long thereafter it was suddenly decided in Di Trapani's favor. That, naturally, intensified the dislike which the survivors of the Luciano faction entertained for him.

When Genova made up his mind to leave New Orleans for a more salubrious climate, Di Trapani found himself minus his most efficient protector. So he, too, decided that the time had come to seek another place of residence. His decision was no doubt helped by the fact that his associates of one sort and another had about exhausted his resources by their continued demands for money—demands which, for the reasons aforementioned Di Trapani was in no position to refuse. So he and his numerous Sicilian family quietly disappeared from New Orleans.

He chose Los Angeles, California, as a place of refuge. He thought with half the width of the United States between him and

the New Orleans Mafiosi, he would be safe. And he was—for nine years. Then his ancient enemies located him. Either with the coöperation of the Los Angeles Italians, or through the agency of a special envoy, they made two efforts to destroy him. In the first instance they put a dynamite bomb under his house and blew it up. However, the intended victim was absent, warned, as it appeared, by threatening letters—he and his entire family—so that the explosion merely demolished the building, wounded some of the would-be assassins, and resulted in their arrest, trial, and sentence. But the second attempt met with better results. Di Trapani was waylaid and shot to death. The Mafia, it seems, has a long memory.

With this affair we may consider that the long chain of crimes which we have undertaken to trace, has run out. The police must have experienced a sensation of tremendous relief when they assured themselves that, in feud circles in New Orleans, as everywhere else, youth had asserted itself. Feuds, after all, represent a large expenditure of energy for a very small return. Hi-jacking, rum-running, illicit liquor-making, automobile theft, and other similar enterprises can be defended on a much sounder economic basis. There is, no doubt, a good deal of bloodshed involved in these occupations also, and one has every now and then to settle a score which only a pistol-shot or a knife-thrust will satisfactorily erase. But the strange old loyalties which kept men fighting one another because, forsooth, somewhere else and somehow otherwise, somebody had quarrelled with somebody else—well, now, that really doesn't belong in a modern world, does it?

But one wonders if, after all, the Mafia is really dead. Perhaps it is merely scotched, not killed. Perhaps it will some day be revived in its old habitat, but just at present, New York, Chicago, and Detroit seem to have stripped New Orleans of its old crimson preëminence. If the Mafia ever should rear its ugly head again in the southern city, there will no doubt occur another series of crimes, and someday another scribe will sit down to the pleasant task of telling how they happened. But, for the present, the record stands with Esposito at the beginning, and Di Trapani at the end.

cont

RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA LXXX.

August-September, 1753.

(Continued from April, 1939, Quarterly)

By HELOISE H. CRUZAT
Marginal Notes by Walter Prichard

By the Editor of the Quarterly

List of Officials of Louisiana participating in the work of the Superior Council of Louisiana contained in this installment:

- | | |
|--|--|
| De Kerlérec, Louis Billouart,
Chevalier, Governor | Descloseaux, Jean Baptiste
Claude Bobé, Commissioner
of the Marine and Civil and
Criminal Judge at Mobile |
| D'Auberville, Vincent Guil-
laume le Seneschal, Commis-
sioner of the Marine, acting
as Intendant | De Velle, Pierre Annibal,
Chevalier, Major and Judge
at Mobile |
| Raguét, Jean Baptiste, Dean of
the Councillors, and acting
Procureur General | Bernoudy, Francois Cézard,
Substitute of the Procureur
General at Mobile |
| Membrède, Chevalier de, Lieu-
tenant of the King | Duparquier, Alexandre Claude,
Councillor and Reporter
(Referee) at Mobile |
| Bellisle, Simars de, Town
Major of New Orleans | Maupoint, Lazard, Sheriff at
Mobile |
| Le Bretton, Louis Cézard,
Councillor Assessor | Marcellin, Clerk of the Court
at Mobile |
| De la Lande d'Apremont,
Charles Marie, Councillor
Assessor | Laferne, Pierre Ignace Bardet,
Chief Surgeon of the King's
Hospital at Mobile |
| Kernion, Jean Francois Huchet
de, Councillor Assessor | De Beauchamp, Lieutenant of
the King and Commandant
at Mobile |
| Lafreniere, Nicolas Chauvin de,
Councillor Assessor | Colomb, Sergeant, Comman-
dant at Dauphine Island |
| Chantalou, Augustin, Clerk of
the Superior Council and
Notary | Garic, Jean Baptiste, Attorney
and Notary |
| Lenormand, Marin, Sheriff | Pecherit, Pierre, Jailer at New
Orleans |

August 3, 1753. **Petition** to the Superior Council by Louis Gerard Pellerin, Infantry Officer, stating that since termination of the lease of the plantation of his deceased father, his salary not being sufficient to enable him to live according to his condition, he prays that M'me de Membrède, his mother, as administratrix of the said goods, be ordered

Petition of Pellerin for alimentary pension from estate of his deceased father.

to pay to said petitioner on the returns, an alimentary pension, the amount of which will be fixed by experts. Signed: Pellerin.

(**Translator's Note:** The above document bears date of 1754, which is evidently an error, as the conclusions of the Procureur General which follow are dated August 3, 1753.—H. H. C.)

August 3, 1753.—Council has heard the conclusions of the Procureur General of the King, after which were adjudged to Sieur Pellerin the sum of 500 livres of alimentary pension, to be raised on the lands and town house of said succession until otherwise provided.

August 4. **Session** of the Superior Council of August 4th, where were present: MM. de Kerle-rec, Governor; Dauberville, Commissioner of the Marine, acting as Ordonnateur; de Membrède, Lieutenant of the King; de Bellile, Major; Raguet, Dean of the Councillors, acting as Procureur General of the King; Le Bretton, Delalande, Kernion, Councillors Assessors.

Session of the Superior Council.

Judgments rendered: Bellile vs. Dutillet and de la Tour.

1. Between M. de Bellile, plaintiff, vs. MM. Dutillet and de la Tour, defendants: On conclusions of the Procureur General of the King, the Council has ordered and orders that the plantation and dependencies be leased for five years, as also the town house, and the movable effects sold judicially to avoid decay.

Dutillet vs. de la Houssaye.

2. Between Sr. Dutillet, plaintiff, vs. Sr. de la Houssaye, defendant: The case heard and the declaration of M. de la Houssaye of having no funds belonging to Sr. de Vaugine, the Council has rejected the demands of the plaintiff and given him certificate of his declaration.

De la Houssaye vs. Lesassier.

3. Between Sr. de la Houssaye, plaintiff, vs. Sr. Charles Lesassier, defendant: The Council has given certificate to Sr. Lesassier of his declaration that he has no procuration from Sr.

de Pontalba, and in consequence has rejected his demands, on conclusions of the Procureur General of the King.

Widow de Gauvry
vs. Destréhan
and Montléon.

4. Between Madam Catherine Pierre, Widow de Gauvry, Sieur Garic acting for her, plaintiff, vs. Sr. Destréhan, in his capacity, and Madam de Montléon, defendants: Following the conclusions of the Procureur General of the King, the Council has allowed Madam de Gauvry to proceed to sale of the community effects judicially the returns thereof to be deposited in the Registry until final division of same, Madam Widow de Gauvry to render account before M. Le Bretton, wherefore order to sell movables before said M. Le Bretton.

Garic vs. the
creditors of
deceased Gerbe.

5. Between Sr. Garic, in his capacity, vs. Sieurs Delavergne, Goudeau, Decalogne, Desclaux, creditors of deceased André Gerbe, defendants; and Sr. Charles Lesassier, as testamentary executor: Seen the petition of Sr. Garic and the conclusions of the Procureur General of the King, the Council orders that the defendants will take cognizance of the titles and papers of Sr. Garic; that Sr. Lesassier will render account of the funds of said succession, before M. Kernion, Councillor Assessor, extraordinary report to be made of same. Costs pending.

Braquier vs.
Layssard Bros.

6. Between Sr. Francois Braquier, plaintiff, vs. Layssard Bros., defendants: Council has rendered judgment in default against Layssard Bros. for non-appearance and ordered that they be cited again at the next session. Costs pending.

Avignon vs. Garic,
acting for
Beaudreau.

7. Between Avignon, plaintiff, vs. Garic, acting for Beaudreau, defendant: Seen the decree of last July 7th, and parties heard, the Council condemns the defendant to pay the plaintiff the sum of 1200 (livres) mentioned in said note, and to bear costs.

Hardy vs. Boyer.

8. Between Pierre Hardy, plaintiff, vs. Jean Baptiste Boyer, defendant: Case heard, the Council has condemned the defendant to pay plaintiff the sum of 211 livres remaining in the Registry, and to bear costs.

Soulard vs. Boyer.

9. Between Gabriel Soulard, plaintiff, vs. Francois Boyer, defendant: Seen the demands and defenses of the case, with the conclusions of the Procureur General of the King, the Council has condemned the defendant to pay the sum of 3000 livres, due to the children of the wife of plaintiff, as well as to the said Soulard, plaintiff, and to bear costs.

Pictet and
Caminada vs.
Prévost.

10. Between Sieurs Pictet and Caminada, plaintiffs, vs. Sieur Prévost, goldsmith, defendant: The Council has rendered judgment in default against defendant for non-appearance and ordered that he be cited again. Costs pending.

(**Translator's Note:** The document bears the signature of Bellile at the foot of each page, but has no signatures at the end. It is evidently incomplete.—H. H. C.)

August 4.

2 pp.

Petition for
separation.

Petition by Anne Simard, wife of Louis Cerilan, alias Rochefort, saying that being married to him for eight months she has not passed a single day without being ill treated by him, by blows with a whip, knife and stick, and continually called injurious names. She has several times risked the loss of her life, but for aid from the neighbors. That many times she has complained to Commissioner Dauberville, whose authority does not keep him (her husband) in awe, and her life being continually in danger, she prays that separation of bed and board, as well as of goods, be granted her, and for that purpose that inquiry be made, renouncing community with him, seeking only her rights, and asking permission to reside in her father's house, where she now is, and to afford her the protection of justice. Signed: "Garic (charge)", acting for her.

Demand and order
on the above
petition.

August 4, 1753.—Demand by Raguet, that petitioner be authorized to the separation she requests, that she remain under protection of the King and of the law, with prohibition to her husband to molest her in any way; that inquiry be made in the usual manner, and that she be examined by the surgeon in the King's service.

August 4.

Petition by
Baudreau.

Petition to the Superior Council by Jean Baptiste Baudreau, who was cited on the 16th of last August, on petition of his wife, Catherine Vinconneau, but he was absent and heard of it only on his return from Pensacola, at the same time that he heard of the judgment in default against him. He prays that he be heard in protest against the decree of November 11, 1752, and that he be allowed to justify himself of the facts of which he is accused, and that he be placed in the same condition as heretofore.

Demand of
Raguet.

(In the margin:) **Demand** of M. Raguet, acting Procureur General, that M. Beaudreau's protest be rejected, and reiterating prohibition to said Beaudreau not to sell nor mortgage any property unless so authorized by the Council. Signed: Raguet.

Protest rejected
by the Council.

On conclusions of the Procureur General, the Superior Council has rejected the protest of the petitioner to the decree of November 11th, which shall be executed in its form and tenor.
Signed: Dauberville.

August 4.

Petition of
Lerable.

Petition of Laurent Lerable, following document of July 7, 1753, and other documents relating to the same case.

August 4.

Petition of
Garic, acting
for Marguerite
Gerbe.

Petition of Jean Baptiste Garic, acting for Marguerite Gerbe, authorized by Jacques Bocalin. First document is indexed July 7th, and others relating to the same case are indexed in the same month. The documents have been put in the July, 1753, file, but are mentioned here for reference.

August 12.

Inventory of the
proceedings in
the criminal
trial of André
Baron for the
crime of bestiality.

Criminal Case of André Baron, soldier of M. Favrot's company, garrisoned in Mobile, extending from August 12 to October 6, 1753. Inventory of the proceedings:

- 1.—Summary of the proceedings in Mobile.
- 2.—Inquiry before M. Bobé Descloseaux, on petition of M. Bernoudy, Substitute for the Procureur General of the King.
- 3.—Decree of bodily apprehension.
- 4.—Testimony of Ignace Bardet Laferne, Surgeon Major at Mobile.
- 5.—Interrogation of André Baron.
- 6.—Order for reëxamination of witnesses and confrontation with the accused.
- 7.—Reëxamination of witnesses against Baron.
- 8.—Reëxamination of Bocard.
- 9.—Reëxamination of Conrad Leidek.
- 10.—Reëxamination of Pierre Ignace Bardet Laferne.
- 11.—Confrontation of Bocard.
- 12.—Order for citation of Nicolas Bourier, alias Dufaye.
- 13.—Reëxamination of Nicolas Bourier, alias Dufaye.
- 14.—Confrontation of Surgeon Laferne with the accused.
- 15.—Confrontation of Francois Xavier, negro slave, with the accused.
- 16.—Confrontation of Leidek with Baron.
- 17.—Additional inquiry required.
- 18.—Testimony of Francois Firmin, alias Brindamour.
- 19.—Testimony of Antoine Gonzales.
- 20.—Testimony of George Goupy.

- 21.—Testimony of Blanchon.
- 22.—Testimony of Masson.
- 23.—Inquiry against Baron, and testimony of Jean Mayre.
- 24.—Testimony of Jean Pême.
- 25.—Reëxamination of Jean Mayre.
- 26.—Reëxamination of Jean Pême.
- 27.—Reëxamination of Firmin Chauvé.
- 28.—Reëxamination of George Goupy.
- 29.—Reëxamination of Francois Joseph Masson.
- 30.—Reëxamination of Pierre Blanchon.
- 31.—Confrontation of Jean Pême with the accused.
- 32.—Confrontation of Jean Mayre with the accused.
- 33.—Confrontation of Blanchon with Baron.
- 34.—Confrontation of Masson with the accused.
- 35.—Confrontation of Goupy with the accused.
- 36.—Confrontation of Chauvé with the accused.
- 37.—Confrontation of Baron with Francois Xavier.
- 38.—Confrontation of Leidek with the accused.
- 39.—Interrogation of André Baron.
- 40.—Conclusions of the Substitute of the Procureur General of the King.
- 41.—Duparquier appointed to report on the case.
- 42.—Case transferred to New Orleans.
- 43.—Complaint.
- 44.—Interrogation of Baron.
- 45.—Facts administered by the Procureur General in New Orleans.
- 46.—Register of the imprisonment in New Orleans.
- 47.—Conclusions of the Procureur General of the King.
- 48.—Judgment rendered.
- 49.—Interrogation of the accused.

1 p.

Petition for inquiry.

August 12, 1753.—Petition for inquiry, by the Subdelegate of the Procureur General, against one André Baron, said inquiry to be communicated to whom by rights. Signed: Bernoudy.

Permit for inquiry.

August 12, 1753.—Permit that Substitute of the Procureur General institute inquiry, and to report thereon. Signed: Bobé Descloseaux.

Margins of document ragged.

11 pp.

Proceedings in the inquiry: Petition of Bernoudy to Descloseaux.

August 12, 1753.—On Public rumor of crime M. Bernoudy, Substitute of the Procureur General, presented a petition to M. Bobé Descloseaux, Criminal and Civil Judge at Mobile, for inquiry and permission to cite witnesses.

Witnesses
summoned in the
investigation.

August 13, 1753.—Summons by Lazard Maupoint, sheriff of this jurisdiction, on request of the Substitute of the Procureur General, to one Leidec, tailor residing in this City (Mobile), and to Francois, a negro of M. Laferne, chief surgeon of this City, to appear before the Judge for the purpose of said petition.

Testimony of
Laferne and
Francois.

August 14, 1753.—Inquiry made by the judge, in which said Laferne, first witness, testifies that he was called by Francois to witness the crime. At the same inquiry, Francois Xavier, slave of M. Laferne, was the second witness called.

Testimony
communicated to
Bernoudy, who
orders Baron
apprehended.

August 14, 1753.—Said Inquiry communicated to the Substitute of the Procureur General of the King, on whose conclusions Laferne and Bocard were cited as witnesses, and a decree of bodily apprehension was issued against the accused André Baron.

Request for
arrest of Baron.

August 14, 1753.—Request to M. de Beauchamp to remit said Baron, who declared that said Baron had deserted and a detachment had been sent to find him, and when found they would turn him over.

Further inquiry
in the case.

August 16, 1753.—Inquiry by the Judge and examination of third witness, Pierre Ignace Bardet Laferne, Surgeon Major of Mobile. Fourth witness was Bocard, Swiss corporal.

Apprehension
of Baron.

August 16, 1753.—On this day at 5 P. M. the detachment sent for Baron brought him in and he was incarcerated in the prison, following the decree of bodily apprehension.

Interrogation
of Baron.

August 17, 1753.—Interrogation of the accused André Baron, soldier of Favrot's company, who said he was twenty-six or twenty-seven years old, of this garrison, and that he was imprisoned for desertion.

Order for
reëxamination
of witnesses.

August 17, 1753.—On conclusions of the Substitute of the Procureur General, the Judge ordered that the witnesses heard in the Inquiry be reëxamined in their testimony.

Reëxamination
of witnesses.

August 18, 1753.—Reëxamination of four witnesses. The first and second changed nothing in their testimony. The second witness added something to previous testimony, and said that Baron offered to pay him.

Order for
confrontation.

August 18, 1753.—Order that the four witnesses appear in Criminal Court, to be confronted with the accused.

Confrontation.

August 20, 1753.—Confrontation of the accused with four witnesses. The accused furnished no reproaches.

Further inquiry
ordered.

August 21, 1753.—The Substitute of the Procureur General concluded that more researches be made, and that another inquiry be held and other witnesses be cited.

Summons of the
sheriff and
soldiers.

August 22, 1753.—Summons of the sheriff and soldiers who brought back said André Baron.

Other witnesses
testify.

August 27, 1753.—Citation of two other witnesses. They said that Baron had told them to leave him go or kill him, for he would be burnt if he returned to Mobile.

Confrontation of
witnesses with
the accused.

August 28, 1753.—Reëxamination of Maire and his wife in their testimony, and confrontation with the accused, who said that he was accused falsely.

Reëxamination
of soldiers who
apprehended
the accused.

August 29, 1753.—Reëxamination of the soldiers, who persisted in their testimony, with the exception of Firmin, who said that he was misunderstood, that the accused had said that he feared to be burnt.

Confrontation of
witnesses with
the accused.

August 29, 1753.—Confrontation of witnesses with the accused, to whom he furnished no reproach, with the exception of Masson whom he said wronged him of two farthings every month. It is true that he said he deserved death, but for desertion. He also acknowledged that he feared to be burnt if accused falsely.

Certification
of the inquiry
in Mobile.

August 30, 1753.—Interrogation in my presence on the witness stand. Report made in the presence of the Judge, M. de Velle, Major of the place, M. Marcellin, greffier. Signed: Duparquier.

1 p.

Inquiry before
Descloseaux.
Citation of

August 14, 1753.—Inquiry made before M. Bobé Descloseaux, and conclusions of the Substitute of the Procureur General that Surgeon Laferne and Bocard, Swiss soldier, be cited as witnesses against André

Laferne and
Bocard as
witnesses.

Baron, against whom bodily apprehension has been decreed, said accused to be heard and interrogated on facts resulting from said inquiry, and report to be made thereon. Signed: Bernoudy.

Permit to cite
above witnesses.

Following conclusions of the Substitute of the Procureur General of the King, permit to cite Sr. Laferne, Surgeon Major of Mobile, and Bocard, Swiss soldier, on the facts contained in the inquiry, report on same to be communicated to the Substitute of the Procureur General of the King. Signed: Bobé Descloseaux.

No. 1357. 4 pp.

Inquiry before
Descloseaux.

August 14, 1753.—Inquiry made by us, Jean Baptiste Claude Bobé Descloseaux, Councillor of the King, Criminal and Civil Judge in the jurisdiction of Mobile, on petition of the Substitute of the Procureur General of the King, plaintiff and accuser, against one André Baron, a soldier of Favrot's Company, accused of crime. Signed: Bobé Descloseaux; Lalaire; Marcellin, Greff.

No. 1358.

Decree of bodily
apprehension.

August 14, 1753.—Decree of bodily apprehension, following the inquiry made by us, Jean Baptiste Claude Bobé Descloseaux, Councillor of the King, Civil and Criminal Judge of the jurisdiction of Mobile, on demand of the Substitute of the Procureur General, plaintiff and accuser, against one André Baron, soldier of M. Favrot's Company.

Order of arrest
and imprisonment.

The whole considered, we order that the said André Baron be bodily arrested and conducted to the prison of this place, to be heard and interrogated on facts resulting from said charge and inquiry, after which he will be cited to appear in fifteen days, it being cried but once in eight days, his goods to be seized and listed, commissioner appointed, which shall be executed notwithstanding opposition or appeal. Signed: Bobé Descloseaux; Marcellin (paraph), Greff.

Decree of
incarceration
rendered.

August 16, 1753.—Decree of bodily arrest rendered against one André Baron, soldier of M. Favrot's Company, on date of August 14, at 2 o'clock in the afternoon, following the charges and inquiry made by the Civil and Criminal Judge of Mobile, said Baron being registered in the Register of the Jail of this jurisdiction. The Substitute of the Procureur General of the King requests that André Baron be interrogated on the said charges, and report on same communicated to said Substitute.

Arrest filed
by Maupoint.

August 16, 1753.—André Baron, soldier of M. Favrot's Company, was arrested by a sergeant and four French soldiers sent in pursuit of him, by order of M. de Beauchamp, Knight of the Military Order of St. Louis, Lieutenant of the King and Commandant at Mobile, and on decree of bodily arrest issued against him by M. Descloseaux, Civil and Criminal Judge of this jurisdiction of Mobile, on date of the 14th instant, on petition of the Substitute of the Procureur General of the King, whereon I, Lazard Maupoint, ordinary sheriff of this jurisdiction, went to the said prisons to register his imprisonment, leaving him copies of this present, on the aforesaid year, month and day, at 5 o'clock P. M. Signed: Lazare Maupoint.

No. 1359. 2¾ pp.

Testimony of
Laferne.

August 16, 1753.—Inquiry made by Jean Baptiste Claude Bobé Descloseaux, Councillor of the King, Civil and Criminal Judge at Mobile, on request of the Substitute of the Procureur General of the King, plaintiff and accuser of André Baron. Testimony of Pierre Ignace Bardet Laferne, Surgeon Major of the King's Hospital at Mobile, there residing, in the Parish of Notre Dame, aged forty years, who after oath to speak the truth, declared that he was not a relative, a connexion, nor a servant of the parties, and produced the notice citing him to testify on this day. Description of the crime. Signed: Bobé Descloseaux; Laferne; Marcellin, Greff.

Testimony of
Jean Boccart.

Jean Boccart, Corporal of the Swiss Company, garrisoned at Mobile, there residing, aged thirty years, took the usual oath and produced the notice to testify on this day. He said what he knew, swore that his testimony was true, and signed. Signed: Bocard; Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Procureur General of the King. Signed: Bobé Descloseaux.

No. 1360.

Interrogation of
André Baron.

August 17, 1753.—Interrogation of André Baron, who was brought to a room of the Fort near the prisons, where M. Bobé Descloseaux asked M. Roulin, officer on guard, to order that one André Baron, soldier of M. Favrot's Company, imprisoned in one of the dungeons of the Fort yesterday by a detachment sent in pursuit, be brought before M. Pierre Annibal, Chevalier de Velle, Knight of the Military Order of St. Louis, Major of this place, to be interrogated on demand of the Substitute of the Procureur General of the King, plaintiff and accuser. Having been brought by two fusileers, after oath

taken by said Baron to speak the truth, he was interrogated as follows:

Asked his name, age, trade and residence, he said he was named André Baron, a soldier, aged twenty-six or twenty-seven years, of this garrison.

Interrogated why he was in the prisons of the Fort, he replied that it was for desertion. When asked why he had deserted, he said it was because his comrades were all against him; when he heard of it he ran away, which he did before the negro came to talk to his comrades.

Interrogated on the accusation, he said that it was false. The present interrogation being read to him, he said that it was the truth, persisted therein, and declared that he did not know how to write nor sign, wherefore inquiry as per ordinance. Signed: Develle; Bobé Descloseaux; Marcellin (paraph), Greff.

Baron returned
to the prison.

In the moment said accused was returned to the guards to be led to the dungeons of the Fort. Done the said day, month and year aforesaid. Signed: Develle; Bobé Descloseaux.

Order to com-
municate to
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.

No. 1361.

Order for
reëxamination
of witnesses.

August 17, 1753.—Excerpt from the Registers of the Criminal Sessions of the Council, August 17, 1753. Seen the charge and inquiry made by us on demand of the Substitute of the Procureur General of the

King, plaintiff and accuser, against one André Baron, defendant and accused, on the 14th and 16th of the present month; the decree of arrest; copy of the registering of imprisonment; interrogation of the accused in the presence of M. Pierre Annibal, Chevalier de Velle, Major of this place; the conclusions of the Substitute of the Procureur General of the King; the whole considered, we order that the witnesses heard shall be reëxamined in their testimony and confronted with the accused, and this done, the facts communicated to the Substitute of the Procureur General of the King, thereon to be decided what shall appertain, the aforesaid day, month and year. Signed: Bobé Descloseaux; Marcellin (paraph), Greff.

No. 1362.

Reëxamination
of witnesses
against Baron.

August 18, 1753.—Reëxamination. In the year seventeen hundred and fifty-three, on the eighteenth day of August, appeared before Jean Baptiste Claude Bobé Descloseaux, Councillor of the King, Civil and Criminal Judge of the jurisdiction of Mobile, one Francois Xavier, negro slave of Sr. Laferne, Surgeon Major of

the King in said place, second witness heard in said inquiry on the 14th instant. After having heard his testimony, he said that it was the truth, persisted therein; he added that André Baron had come for him to justify him (Baron) before his comrades, and that on the way the accused told him that if he testified against him he would desert, and offered a dollar which he earned from Mr. Blouin for having worked nearly eight days. He said that he was not in the Fort when Baron deserted; that he spoke of this in his testimony. The present being read to him, he persisted therein, and declared that he did not know how to write nor sign, wherefore inquiry. Signed: Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux; Marcellin
(paraph), Greff.

No. 1363.

Reëxamination
of Bocard.

August 18, 1753.—Reëxamination before M. Jean Baptiste Claude Bobé Descloseaux, Councillor of the King, Civil and Criminal Judge in the jurisdiction of Mobile, of Jean Bocard, Corporal of the Swiss Company garrisoned at Mobile, the fourth witness heard in the inquiry made against André Baron: After oath by him taken to speak the truth, we read his testimony to him; he said that it was true, that he had nothing to add thereto nor to deduct from it, and he persisted therein, and signed: Signed: Bocard; Bobé Descloseaux; Marcellin, Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1364.

Reëxamination
of Leidek.

August 18, 1753.—Reëxamination of Conrad Leidek, first witness heard in the inquiry, made on demand of the Substitute of the Procureur General of the King: He took oath to speak the truth, and after having heard his testimony said that it was true, that he had nothing to add nor to detract from it, persisted therein, and signed. Signed: Conrad Lk; Bobé Descloseaux.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux; Marcellin
(paraph), Greff.

No. 1365.

Reëxamination
of Laferne.

August 18, 1753.—Reëxamination of Pierre Ignace Bardet Laferne, Surgeon Major of the King's Hospital, third witness heard in the inquiry, before M. Bobé

Descloseaux, Civil and Criminal Judge in the jurisdiction of Mobile, who being sworn to speak the truth, heard his testimony read to him, said that it was the truth, persisted therein, and signed. Signed: Laferne; Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the Procureur General.

Order to communicate to the Substitute of the Procureur General of the King. Signed: Bobé Descloseaux.

6 pp.

Order for citation of Nicolas Bourrier, called Dufay.

August 20, 1753.—M. Jean Baptiste Claude Bobé Descloseaux, Civil and Criminal Judge in the jurisdiction of Mobile, hearing that a soldier of Bornille's Company of the Dauphine garrison is in this City, that he gave refuge to André Baron,

who was arrested there, thinking that said Nicolas Bourrier, called Dufay, may have heard something from the refugee, has ordered that he be searched for in this City by the ordinary sheriff, and that he be cited to appear before us on the third day, at two in the afternoon, in our hotel, to testify on the facts on which he will be interrogated. Order to communicate this to the Substitute of the Procureur General of the King, to be ordered what shall appertain. Signed: Bobé Descloseaux; Marcellin (paraph), Greff.

No. 1367.

Testimony of Nicolas Bourrié, called Dufaye.

August 20, 1753.—Nicolas Bourrié, called Dufaye, soldier of the Company of Bonnille, garrisoned in the Post of Dauphine Island, now in Mobile, aged forty-one years, who after oath to speak the

truth, said that he was not a relative, a connexion, nor a servant of the parties, and that he had been cited to testify on request of the Substitute of the Procureur General, and produced the notice. He testified that he had heard the soldiers named Pême and Meiyre, both in the garrison of Dauphine Island, say that when they arrested Baron he had begged them to shoot him rather than bring him to Mobile, because if brought there he would be burned; which he said was all he knew. His testimony being read to him, he said that it was the truth, persisted therein, and declared that he did not know how to write nor sign, wherefore inquiry. Signed: Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the Procureur General.

Order to communicate to the Substitute of the Procureur General of the King. Signed: Bobé Descloseaux.

No. 1366.

Confrontation of witnesses.

August 20, 1753.—Confrontation made by M. Jean Baptiste Claude Bobé Descloseaux, Councillor of the King, Civil and Criminal Judge in the jurisdiction of

Jean Bocard
and Baron.

Mobile, in the presence of M. Pierre Annibal, Chevalier de Velle, and Major of the Place, on demand of the Substitute of the Procureur General of the King, plaintiff and accuser of André Baron, of the accused with Jean Bocard, Corporal of the Swiss Company garrisoned in Mobile, fourth witness heard in the inquiry: They said that they knew each other, and after reading his testimony to him, Bocard said that he had spoken the truth; the accused that he had no reproaches to make. The witness said that it was of the accused he meant to speak, and each persisted in what he said. The witness declared that he did not know how to write nor sign, wherefore inquiry. Signed: Develle; Bobé Descloseaux; Bocard; Marcellin (paraph), Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

Confrontation
of Baron and
Laferne.

August 20, 1753.—Confrontation of Surgeon Laferne of the King's Hospital with André Baron, accused: They said that they knew each other, after which the testimony was read and the accused summoned to furnish reproaches against the witness, for in default of so doing none would be admitted after the reading of the testimony and reëxamination. The accused denied that he made any scaffolding, and the witness answered that it was not there two days previously. Each persisted in what he said, and the accused declared that he did not know how to write nor sign, wherefore inquiry. Signed: Laferne; Develle; Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

Confrontation
of Francois
Xavier with
the accused.

August 20, 1753.—Confrontation of André Baron with Francois Xavier, negro slave of Surgeon Laferne, second witness heard in the inquiry, and after oath taken to speak the truth, we read to said Francois his testimony and reëxamination. He said that it was the truth. The accused had no reproaches to make, but maintained that the testimony was false, and only acknowledged that he had come for him (Francois) to justify him before his comrades. The present confrontation being read to them, each persisted in what he had said, and both declared that they did not know how to write nor sign, wherefore inquiry as per ordinance. Signed: Develle; Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the Procureur General.

Order to communicate to the Substitute of the Procureur General of the King.
Signed: Bobé Descloseaux.

Confrontation of Leidek with the accused.

August 20, 1753.—Confrontation of Conrad Leidek, inhabitant of Mobile, first witness of the inquiry, with the accused: After oath to speak the truth, they were asked if they knew each other, which they answered in the affirmative, after which the testimony of the witness was read and the accused was told to furnish reproaches, for in default of so doing none would be received after the reading of the testimony and reëxamination. The accused said that he had no reproaches to make, and we then had the testimony and reëxamination read in the presence of the accused. He (Leidek) said that it was of the accused that he meant to speak and persisted in all he had testified, and the accused likewise. They each persisted in what they had said, and declared that they could not write nor sign.
Signed: Develle; Bobé Descloseaux.

Order to communicate to the Procureur General.

Order to communicate to the Substitute of the Procureur General of the King.
Signed: Bobé Descloseaux.

Additional inquiry in the case requested.

August 21, 1753.—The Substitute of the Procureur General of the King represents to M. Bobé Descloseaux, that he heard by public rumor that when André Baron was arrested he said some things tending to convict him of the crime of which he is accused. Following the testimony of Nicolas Bourrié, called Dufaye, where Baron had taken refuge and was apprehended, the said information resulting from an inquiry made yesterday, wherefore he prays that M. Bobé Descloseaux allow him to make other inquiries and report to whom it shall appertain. Signed: Bernoudy.

Request for additional inquiry granted.

August 24, 1753.—Permit to make additional inquiry tending to convict or to exonerate the said André Baron, and therefore to have cited whom he pleases, and to report to whom it shall appertain. Signed: Bobé Descloseaux.

No. 1368.

Testimony of Francois Firmin, called Brindamour.

August 22, 1753.—Testimony of Francois Firmin, called Brindamour, soldier of Grandchamp's Company of this garrison, aged twenty-four years and a half, who after oath to speak the truth, said that being in the detachment sent after Baron to arrest him and bring him back from Dauphine Island to Mobile, he and the others of the detachment

encouraged said Baron to take courage, to which he answered several times that it was not possible, that he had but three or four more days to live; that deponent heard one of the soldiers of the garrison say that Baron feared to be burned alive for the crime he was accused of, and that if he thought he would be shot for resisting he would do so. This was all he knew; his testimony being read to him he said that it was the truth, persisted therein, and signed. Signed: Firmant Chauvé; Bobé Descloseaux; Marcellin (paraph), Greff.

Testimony of
Antoine Gonzales.

On the same day and year as the above: Antoine Gonzales, soldier of Favrot's Company of this garrison, aged twenty-two years, after oath taken to speak the truth, said that he was not a relative, a connexion, nor a servant, and produced the notice to testify, on demand of the Substitute of the Procureur General of the King, on date of yesterday. He testified on the facts mentioned in said complaint, which was read to him, that he knows nothing of what Baron said when he was arrested at Dauphine Island, as he is of Spanish nationality and does not understand French enough to repeat what he may have said. He said that his testimony was the truth, persisted therein, and declared that he did not know how to write nor sign. Signed: Bobé Descloseaux; Marcellin (paraph), Greff.

Testimony of
George Goupy,
called Dumaine.

Same day as above: George Goupy, called Dumaine, soldier of Bonnille's Company, aged twenty-three years or thereabout, who after oath taken to speak the truth, declared that he was not a relative, a connexion, nor a servant of the parties, and produced the notice to testify on demand of the Substitute. He testified that he was one of the detachment sent to arrest Baron, and that having reached the plantation of Sr. Barthelmy, three leagues distant from Dauphine Island, the Sergeant commanding the detachment found the skiff in which they were to go further was not large enough, and left the deponent with A. Gonzales, at Barthelmy's and that after two days the detachment came back to take them, having apprehended Baron; that he heard that when they tried to encourage him not to despair, that he was consoled, saying that he knew he deserved death; which was all he knew. His testimony being read to him, he said that it was the truth, persisted therein, and did not claim pay. Signed: G. Goupy; Bobé Descloseaux; Marcellin (paraph), Greff.

Testimony of
Pierre Blanchon.

On the same day and year as above: Pierre Blanchon, soldier of the Swiss Regiment, (of Halville,) aged twenty-six years or thereabout, who testified that he was one of the detachment sent after Baron, but he was not one of those who arrested him

because he had an attack of fever on arriving at Dauphine Island; that, however, he heard Baron say that if he had not been disconcerted they would not have arrested him, and that he had but two more days to live, which was all he knew. Signed: Blanchon; Bobé Descloseaux; Marcellin (paraph), Greff.

Testimony of
Francois Joseph
Masson.

On the same day and year as above: Francois Joseph Masson, Sergeant of the Company of Favrot of this garrison, aged thirty-five years, who after being sworn to speak the truth, said that he was not a relative, a connexion, nor a servant of the parties, and produced the notice to testify, served on request of the Substitute. He testified on the complaint, which we read to him, that having been ordered by M. Beauchamp to go after Baron and to arrest him, with a detachment composed of four men, he had left two of them at M. Barthelmy's plantation, and that having reached Dauphine Island with the two others, fever took him so strong that he could not stand up, and he communicated his order to Sr. Colomb, Sergeant, who in the moment detached men from the garrison to seize Baron. As to the deponent, he entered the Corps de Garde and shortly afterwards said Baron was brought there by MM. Mayre and Pême, and that he immediately had him put in irons without his having uttered a word. He testified that MM. Mayre and Pême told them that if he had known that they had the order to fire on him, in case of resistance or flight, he would have put himself in that position in order to be killed. He added that he heard in the Corps de Garde that Baron feared to be burnt, which is all he knows. His testimony having been read to him, he said that it was the truth, persisted therein, signed, and claimed no pay. Signed: Masson; Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1369. 3½ pp.

Inquiry against
André Baron.

August 27, 1753.—Inquiry made before Jean Baptiste Claude Bobé Descloseaux, Civil and Criminal Judge of the jurisdiction of Mobile, on petition of the Substitute of the Procureur General of the King, plaintiff and accuser, against André Baron, soldier of Favrot's Company, defendant and accused:

Testimony of
Jean Mayre,
called La Tulipe.

Jean Mayre, called La Tulipe, soldier of Bonnille's Company, garrisoned at Dauphine Island, aged forty-one years, after being sworn to speak the truth, testified on the complaint, which was read to him, that having arrived at Dauphine Island, the

Commandant ordered him and Pême to search the place. They perceived a pirogue at the place called "La Pointe de Guillory"; they advanced and saw the said Baron drying his clothes on some lataniers. He presented himself, saying good morning, and was about to eat a piece of bread, holding a small knife, when the deponent ordered him, in the King's name, to march to the Corps de Garde and to remit his knife; he let it fall and Pême picked it up, then took him by the arm and made him walk, whilst deponent was in the rear with his gun trained on him. Baron said to them several times on the way: My comrades, leave me go, or kill me, for I am going to be burnt if I go to Mobile;" to which Pême answered: "There is no executioner there," and Baron said that they would have one come from New Orleans, and that all his pain was to appear before his comrades. On reaching the Corps de Garde, he was put in irons and turned over to the detachment, which he said was all he knew. The said Baron asked if he would have fired on him if he had resisted, and when he answered in the affirmative, he (Baron) said that he regretted not having done so, without hurting them, for they would have killed him, and that he would be burnt. The testimony being read to him, he said that it was the truth, maintained it, and declared that he did not know how to write nor sign, wherefore inquiry as per ordinance. He did not claim pay. Signed: Bobé Descloseaux; Marcellin (paraph), Greff.

Testimony of
Jean Pême, called
Fleur d'Epine.

Jean Pême, called Fleur d'Epine, soldier of Grandchamp's Company, of the garrison of Dauphine Island, aged thirty-five years, after being sworn to speak the truth, testified that he was ordered by Sergeant Colomb, Commandant at Dauphine Island, to search for Baron, whereon he went with M. Mayre, he going on one side while the others of the detachment took the other, and seeing a pirogue at the point of the Island of Guillory they went to the pirogue, where Baron presented himself to them, holding a knife in one hand and a piece of bread in the other. Mayre aimed at him, telling him to throw away his knife, which he did. In the moment the deponent seized his arms and ordered him to walk to the Corps de Garde. He answered: "My friends, let me escape or kill me, for if I go to Mobile I am lost; I shall be burnt or hung." The deponent told him to walk on, and on the way Baron asked if they would have killed him for resisting, and they told him they would, whereon he replied that he regretted not having done so, that all his grief was to appear before his comrades in Mobile. Arriving at the Corps de Garde, he was put in irons and turned over to the detachment; which he said was all he knew. His testimony being read to him, he said that it was the truth, maintained it, and declared that he could not write nor sign, wherefore inquiry as per ordinance;

and he did not ask for pay. Signed: Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1371.

Second inquiry.
Reëxamination
of Jean Mayre.

August 27, 1753.—Appearance before M. Jean Baptiste Claude Bobé Descloseaux, Councillor of the King, Civil and Criminal Judge in the jurisdiction of Mobile, of M. Jean Mayre, called La Tulipe, of M. Bonnille's Company, garrisoned in Dauphine Island, eleventh witness heard in the inquiry made: His testimony was read to him; he said that it was the truth, that he had nothing to add thereto nor to detract from it, and maintained it. He also heard the reëxamination and persisted therein, and declared that he could not write nor sign, wherefore inquiry. Signed: Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1372.

Reëxamination
of Jean Pême.

August 27, 1753.—Reëxamination of Jean Pême before M. Bobé Descloseaux, Civil and Criminal Judge of the jurisdiction of Mobile: His testimony and reëxamination being read to him, he said that they were true, persisted therein, said that he had nothing to add to nor to deduct therefrom, and declared that he could not write nor sign. Signed: Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1373.

Reëxamination
of Francois
Firmin Chauvé,
alias Brindamour.

August 29, 1753.—Reëxamination of Francois Firmin Chauvé, alias Brindamour, soldier of the Company of Grandchamp, of the garrison at Mobile, sixth witness heard in the inquiry made by M. Bobé Descloseaux: His testimony and reëxamination were read to him, and having heard them he said he had nothing to add thereto nor to deduct from them. He maintained them, but affirmed that he had heard Baron say that he feared to be burnt, as Pême testified. Signed: Firmaint Chauvé; Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.

No. 1374.

Reëxamination
of George Goupy,
alias Dumaine.

August 29, 1753.—Reëxamination of George Goupy, alias Dumaine, soldier of the Company of M. Bonnille garrisoned at Mobile, eighth witness in the inquiry made before M. Descloseaux, Civil and Criminal Judge in the jurisdiction of Mobile: His

testimony given under oath on the 22nd instant was read to him, as also the reëxamination. He said that it was the truth, that he had nothing to add to it nor to suppress; he persisted, and signed. Signed: G. Goupy; Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1375.

Reëxamination
of Masson.

August 29, 1753.—Reëxamination of Francois Joseph Masson, soldier of the Company of Favrot, garrisoned at Mobile, tenth witness in the inquiry made before

M. Descloseaux on the 22nd instant, who after oath taken to speak the truth, and having heard his testimony, said that it was true, and maintained it; he also persisted in the present reëxamination, and signed. Signed: Masson; Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1376.

Reëxamination of
Pierre Blanchon.

August 29, 1753.—Reëxamination of Pierre Blanchon, soldier of the Swiss Regiment of Halville of this garrison, ninth witness heard in the inquiry made before

Mr. Descloseaux, Civil and Criminal Judge of the jurisdiction of Mobile: His testimony and reëxamination being read to him, he said that it was the truth, that he had nothing to add thereto nor to deduct therefrom, maintained them, and signed. Signed: P. Blanchon; Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1377.

Confrontation of
Baron with Peme.

August 28, 1753.—Confrontation made by M. Bobé Descloseaux, in the presence of M. Pierre Annibal, Chevalier de Velle, of André Baron, soldier of Favrot's Company,

accused and defendant, with Jean Pême, called Fleur d'Epine, soldier of the Company of Grandchamp, of the garrison of Dauphine Island, twelfth witness in the inquiry, and after oath taken by them to speak the truth, they were summoned to say whether they knew each other, which they answered in the affirmative. After which we had read by our Greffier the first articles of the testimony, on his age, &c., his declaration that he is not related, connected, nor a servant of the parties, and we summoned the accused to furnish reproaches against the witness, and in default of so doing none will be admitted once the testimony and reëxamination have been read, following the ordinance, which was read to them. The accused said that he had no reproaches to make. Then the testimony and reëxamination of the witness was read. The witness said that he had spoken the truth, and persisted therein. The accused did not deny what he said, but said it was due to being accused of a crime he had not committed; and the witness answered that he was near enough to hear him. The present confrontation being read to them, each persisted in what he said, and both declared that they could not write nor sign, wherefore inquiry as per ordinance. Signed: Develle; Bobé Descloseaux.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1378.

Confrontation of
Baron with Mayre.

August 28, 1753.—Confrontation made by Jean Baptiste Claude Bobé Descloseaux, Councillor, Civil and Criminal Judge of Mobile, in the presence of M. Pierre Annibal, Chevalier de Velle, on petition of the Substitute of the Procureur General of the King, plaintiff and accuser, against André Baron, accused and defendant, with Jean Mayre, called La Tulipe, soldier of the Company of M. Bonnille, garrisoned in Dauphine Island, eleventh witness heard in said inquiry: Summoned to say whether they knew each other, they said that they did. Then we had read to them by our Greffier the first articles of the testimony and his declaration that he is not a relative, a connexion, nor a servant of the parties, and summoned the accused to furnish reproaches now, for in default of so doing before the testimony and reëxamination were read, none would be received later. The accused repeated that he had no reproaches to make, then we read the testimony and reëxamination in the presence of the accused. The accused said that he had heard, and the witness affirmed that it was of the accused he meant to speak. The accused said that what he said concerned a crime of which he was falsely accused. The witness said that he was near enough to hear what the accused said, and that if it had been for another crime he might have

shut his eyes. The accused did not remember the witness saying this. They both persisted in what they said, and declared that they did not know how to write nor sign. Signed: Develle; Bobé Descloseaux.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1379.

Confrontation
of Baron with
Blanchon.

August 29, 1753.—Confrontation made by M. Bobé Descloseaux, Civil and Criminal Judge of the jurisdiction of Mobile, in the presence of M. Pierre de Velle, Major of this place, of the accused André Baron with M. Pierre Blanchon, Swiss soldier of this garrison, ninth witness heard in the said inquiry: After oath taken to speak the truth, and summoned to say whether they knew each other, they answered that they did. We then had our Greffier read the first articles of the testimony of the witness and his declaration that he was not a relative, a connexion, nor a servant of the parties, and summoned the accused to furnish reproaches against the witness, for after reading of the testimony and reëxamination none would be admitted. The accused said that he had no reproaches to make. The witness said that he had spoken the truth, and thus maintained it; the accused said that he had said that he deserved death. Each persisted in what he said, and the witness signed, the accused declaring that he knew not how to sign nor write. Signed: Blanchon; Develle; Bobé Descloseaux; Marcellin (paraph), Greff.

No. 1380.

Confrontation
of Baron with
Masson.

August 29, 1753.—Before Jean Baptiste Claude Bobé Descloseaux, Civil and Criminal Judge of the jurisdiction of Mobile, in the presence of M. Annibal, Chevalier de Velle, Major of this place, confrontation of the accused, André Baron, with Francois Joseph Masson, Sergeant of the Company of Favrot, tenth witness heard in the inquiry: They said that they knew each other, and part of the testimony of the witness was read, and the accused told to furnish reproaches, for after the reading none would be received. The accused said that the witness, during eleven months, had wronged him two farthings (liards) per month. Then the testimony was read, the witness saying that it was of the accused he meant to speak, but what he reported was from hearsay in the Corps de Garde of Dauphine Island, where he said that he was afraid to be burnt, and nothing else. The present confrontation being read to both, they maintained that it was the truth, and the witness signed, the accused declaring that he could not write nor sign, wherefore inquiry. Signed: Masson; Develle; Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1381.

Confrontation
of Baron with
Goupy.

August 29, 1753.—Confrontation before M. Bobé Descloseaux, in the presence of M. Pierre Annibal, Chevalier de Velle, of the accused, André Baron, with George Goupy, called Dumaine, soldier of the Company of Bonnille, garrisoned in Mobile, eighth witness in the inquiry: After being sworn to speak the truth, they both said that they knew each other, and after reading the preliminaries the accused was asked if he had any reproaches to make; he said that he had none, after which the testimony and reëxamination were read. The accused said that when he told him that he deserved death, he meant for desertion; the witness said that he had not heard him say it was for desertion. Both persisted in what they had said, and the witness signed, the accused declaring that he did not know how to write nor sign, wherefore inquiry. Signed: G. Goupy; Develle; Bobé Descloseaux; Marcellin (paraph), Greff.

Order to communicate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1382.

Confrontation
of Baron with
Francois Firmin
Chauvé, called
Brindamour.

August 29, 1753.—Confrontation before M. Descloseaux, in the presence of M. Pierre Annibal, Chevalier de Velle, Major de Place at Mobile, of the accused, André Baron, with Francois Firmin, called Brindamour, soldier of Grandchamp's Company, garrisoned in Mobile: They acknowledged that they knew each other, and after preliminaries the accused was asked if he had any reproaches to make against the witness. He answered that he had none, whereon the testimony and reëxamination were read, the witness declaring that it was of the accused he meant to speak, and maintained what he had testified. The accused then said that it was true that he had said he feared to be burnt, as he was accused falsely; the witness answered that he had not heard him say he was afraid to be burnt for a crime of which he was falsely accused, only Pême had repeated same to him. The present confrontation being read to the accused and the witness, they each persisted, and the witness signed, the accused declaring that he did not know how to write, wherefore inquiry as per ordinance. Signed: Firmaindt Chauvé; Develle; Bobé Descloseaux; Marcellin (paraph), Greff.

No. 1383.

Confrontation
of Baron with
Francois Xavier.

August 29, 1753.—M. Bobé Descloseaux, Civil and Criminal Judge of the jurisdiction of Mobile, having gone to the Criminal Chamber in the Fort and had the accused, André Baron, brought there to be confronted with Francois Xavier, negro slave of M. Laferne, Surgeon Major of the King's Hospital in Mobile, to be confronted with Baron, and after being sworn a red-haired mare was presented to them, which Xavier having considered said that she was the mare that he spoke of in his testimony, and the accused said that it was false. The witness said that he told the truth, added other details, and the accused again denied all he said. They both declared that they did not know how to write nor sign, wherefore inquiry, and Baron was led back to prison. Signed: Develle; Bobé Descloseaux; Marcellin (paraph), Greff.

Order to com-
municate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1384.

Confrontation
of Baron with
Leidek.

August 29, 1753.—André Baron, prisoner, was brought by guards to the Criminal Chamber of the Fort to be confronted with Conrad Leidek, first witness heard in the inquiry. Leidek repeated his accusations, which Baron denied. Baron declared he did not know how to write, and Leidek signed. Baron was turned over to the guard to be brought back to his cell. Signed: Conrad Lk; Develle; Bobé Descloseaux; Marcellin (paraph), Greff.

Order to com-
municate to the
Procureur General.

Order to communicate to the Substitute
of the Procureur General of the King.
Signed: Bobé Descloseaux.

No. 1385.

Interrogation
of Baron.

August 30, 1753.—On this day at 8 o'clock A. M., M. Descloseaux had André Baron brought to him in the Criminal Chamber of the Fort by a detachment of the Guard, and having administered the oath to him he was interrogated as to his name, nationality, and his trade. He said that he was named André Baron, a native of Côte St. André in Dauphiny, Bishopric of Grenoble.

Interrogated where he was the day of the crime, and on his actions, he could not remember. He did not recall going to Bocard's though he testified to it before him.

Asked why he had paled when entering the cabin, when he saw Leidek, he denied that he was frightened and said that he had been almost crippled by a horse.

Interrogated where he had gotten all the cobwebs on his sleeves, he replied that he did not know.

Asked why he had gone in search of Francois Xavier, slave of Sr. Laferne, he answered that it was to deny before his comrades a false accusation against him; he spoke of the accusation and denied it. The negro did not come to the Fort; he left him near it and went to seek roots; seeing his comrades against him he would have left, but was under the effect of liquor.

Interrogated why he deserted, since he had nothing to reproach himself with, he replied that drink made him do so.

Interrogated why, if he was innocent, he had not complained to have the negro punished for what he had said of him, he answered that had he known of it sooner he would have complained, but in the moment he did not think of it and made up his mind to desert.

Asked why he had offered money to the negro to justify him, he replied that he had not offered him any, that he is an imposter; that he, on the contrary, asked him for what he owed him.

Interrogated if he told the said negro that M. Blouin owed him one dollar and more and would give it to him, he answered that he had not told the negro that M. Blouin owed him the money, and offered him nothing. He had no money, as he had not been paid.

Questioned again about the crime, he denied everything and maintained that no one can say that they saw it. He maintained that the accusation was false, that the negro was a miserable fellow to have said such things, that it was false.

Interrogated why he said at Dauphine Island that he would be burnt if brought to Mobile, he answered that it was for a crime of which he was accused falsely.

The present interrogation being read to him, he maintained that it was the truth, and declared not to know how to sign nor write, and he was turned over to the detachment to be led back to his dungeon. Signed: Bobé Descloseaux.

Conclusions of
the substitute
of the Procureur
General of the
King.

August 29, 1753.—Seen the charges and inquiry made on my petition, against André Baron, soldier of the Company of Favrot, accused and defendant, on the 14th of this month; the decree of arrest against the accused, on the 14th instant; second inquiry and second charges and inquiry of August 16th; interrogation of the accused on the 17th, containing his acknowledgment, confession and denials; reëxamination of witnesses and confrontation on the 29th; other charges and inquiry; seen the addition and confrontation of the

same day: I demand for the King that the accused be put on the rack, ordinary and extraordinary tortures to be applied, and that a reporter be named in said suit. Signed: Bernoudy.

Duparquier
appointed by
Descloseaux to
report the case.

August 29, 1753.—We, Jean Baptiste Claude Bobé Descloseaux, Commissioner of the Marine, Civil and Criminal Judge in the jurisdiction of Mobile, on the conclusions of the Substitute of the Procureur

General of the King, requesting that a reporter (referee) be appointed in the criminal suit instituted against André Baron, have officially appointed Sr. Alexandre Claude Duparquier, as there is no other Councillor in this jurisdiction, and that we know him to be a Roman Catholic, of good life and morals, and capable of this place. At Mobile, August 29, 1753. Signed: Bobé Descloseaux.

Greffier ordered
to remit all the
proceedings in
the case to
Duparquier.

The Greffier of this jurisdiction is ordered to remit to Mr. Duparquier all the proceedings (documents) of this suit, extraordinarily instituted against one Baron, to report thereon, and for which he will

give his receipt. At Mobile, August 29, 1753. Signed: Bobé Descloseaux.

Descloseaux
orders the case
transferred from
Mobile to New
Orleans for
completion.

August 30, 1753.—Excerpt from the Registers of the Criminal Chamber of the jurisdiction of Mobile: Seen the criminal suit extraordinarily instituted by us, on request of the Substitute of the Procureur

General of the King, plaintiff and accuser, against one André Baron, soldier of the Company of Favrot, defendant and accused, prisoner in the Fort at Mobile; inquiry against the accused on August 14th; decree of arrest; second charges and inquiry of the 16th instant; interrogation of the accused, containing his acknowledgment, confession and denials, on the 17th, reëxamination of witnesses in their testimony, on the 18th; confrontation with the accused on the 20th; other charges and inquiry of the 22nd and 27th; reëxamination and confrontations of the 27th, 28th and 29th; conclusions of the Substitute of the Procureur General of the King; interrogation of the accused on the witness stand of this day in the Criminal Chamber; heard the report of Master Alexandre Duparquier, officially named, the whole considered, before proceeding to final judgment of the suit, we order that the accused be put on the rack and that ordinary and extraordinary torture be applied in the usual manner, to hear from his mouth the truth on the facts resulting from the trial, in the presence of the reporter (referee), the proofs subsisting in their entirety, and as there are not in this jurisdiction neither "questionnaire" (the man who puts criminals to the rack)

nor the instruments necessary to this execution, order that accused be transferred from Mobile to New Orleans, the case to be put in the hands of who will be so charged, to be remitted to M. Dauberville, to be judged finally by the Superior Council of the Province of Louisiana. Given in the Chamber of Criminal Sessions on the 30th day of August 1753. Signed: Bobé Descloseaux; Marcellin (paraph), Greff.

No. 1387.

Complaint of Raguet,
acting Procureur Gen-
eral in New Orleans.

September 9, 1753.—M. Raguet, acting as Procureur General of the King, represents that yesterday was constituted prisoner in the prisons of New Orleans, a soldier named Baron, of the Mobile garrison, accused of the crime of bestiality, whose suit was transferred here to be judged finally by the Superior Council, by M. Bobé Descloseaux, Commissioner of the Marine, Judge of the Post of Mobile. The suit was instituted on request of M. Bernoudy, Substitute of the Procureur General of the King. All the formalities required in such cases appear to be in exact conformity to the ordinances of the King and to the usual ones; that it would, however, appear necessary to make clear the crime that the accused be interrogated again before proceeding to final judgment in his case, in order to hear from his mouth facts and circumstances which appeared to us to be insufficiently explained, wherefore he prays that it be ordered that the said Baron be heard and interrogated on the facts and circumstances depending and resulting on the accusation and suit, and on the others which we direct, to be decided thereon what shall appertain, and for that purpose may it please the Council to name a commissioner, who will go to the prisons of this City for that end, that by provision the said accused be registered on the Registers of the jail on our petition. Signed: Raguet.

Kernion named
commissioner
in the case.

September 10, 1753.—M. De Kernion is named commissioner on this case. Signed: Dauberville.

No. 1388.

Interrogation
of Baron.

September 10, 1753.—On this day at two o'clock in the afternoon, on request of the Procureur General of the King, Francois Huchet de Kernion interrogated Pierre André Baron, before the Greffier of the Council. He was brought by the Jailer of the prison and was interrogated on his age, qualification and religion. He said that he was named Baron, aged twenty-six or twenty-seven years, of the Catholic, Apostolic and Roman religion, a native of Coste St. André in Dauphiny, Bishopric of Grenoble, having no trade, but was previously a soldier of M. Favrot's Company of the Mobile garrison.

Asked how long he had been in this Colony, he answered three years; he came on the ship, the Equity.

Interrogated if he had ever been arrested before this, he replied that he had not.

Questioned on the crime, he said that he was falsely accused; to all questions thereon he answered that it was false, that this negro is a rascal, and that he is not capable of such a thing.

Interrogated if he had not offered money to Xavier not to speak again of the accusation, he answered that he had not done so, that this negro is a wretch, that he owes a dollar to the said negro for remedies he sold him.

Asked if to his comrades' questions the negro had not answered in the affirmative. He then went to get the negro to tell the truth to his comrades, but the slave would not come and he left him near the woods where he went to seek roots. To all questions he answered that it was not true. He did not jump out of the window but left by the small door of the Fort, because he was under the effect of liquor, and the next day took a pirogue at three leagues from Mobile. He did this without knowing where he was going, and that later having deserted he did not dare to come back.

Interrogated if Bocard had not said that he looked like a criminal, he said that he had missed being crippled by a horse.

Interrogated where he intended going when he was apprehended at Point Guillory, he replied that he intended to go to the Post of Dauphine Island, not wanting to desert.

Interrogated if he had not told the soldiers who arrested him that he regretted not having resisted, for they would have killed him, he answered that it was true he told the soldiers who arrested him that he wished they had killed him, because what they accused him of falsely deserved death by burning.

Interrogated if a few years ago he had not been accused of rape and put in a dungeon, he said that it was false and he had been freed.

Asked if he had not previously been accused of the same crime, he replied that he had never been accused but this time, and it was false.

Interrogated again why he had escaped and deserted if he was not guilty, he answered that he was drunk and that one of his comrades having told him of what he was accused, though falsely, and that they barked at him, he left.

Interrogated if he had not been branded on the shoulders for some crime, he answered that he had not and that they could examine him; which was done, and no mark was found.

Interrogated if he refers to the witnesses who testified against him at Mobile, he replied that he had nothing to say of the Frenchmen who testified at Mobile, only against the negro, who is a beggar and a wretch, who seeks to grieve him.

This interrogation being read to him, he said that it was the truth, maintained it, and declared that he did not know how to sign nor write, wherefore inquiry as per ordinance. Signed: Huchet de Kernion; Chantalou, Greff.

Order to communicate to the Procureur General.

Order to communicate to the Procureur General of the King. Signed: Huchet de Kernion.

Interrogation reported by Raguet, acting Procureur General.

September 10, 1753.—Facts administered by M. Raguet, acting as Procureur General, to interrogate one Baron, accused and prisoner, of his name, age, trade, nationality and religion, how and when he came to this country, if he was apprehended by justice, if he had not previously stolen; then they questioned him on the crime of which he was accused.

Questioned on what he said to the soldiers who arrested him at Point Guillory, that he regretted not resisting arrest and they would have killed him, and thus he would have escaped being burnt for the crime committed; why he had escaped if, as he said, he was innocent of the crime. He was then uncovered to see if he was branded, and it was found that he was not. He was then interrogated on all the facts which came to our knowledge, on his answers and denials, to clear up this affair, and he was then confronted with the witnesses. Signed: Raguet.

Registering the imprisonment and accusation of André Baron on the prison registers.

September 10, 1753.—In the year one thousand seven hundred and fifty-three, on the seventeenth day of August (?), before noon, on petition of M. Raguet, acting as Procureur General of the King, in the Superior Council of New Orleans, I, Marin Lenormand, went to the prisons of this City, where I entered on the Registers of the Jail and remitted to Pierre Pecherit, the jailer, André Baron, accused of the crime of bestiality, to be interrogated again, his suit to be made and completed, the said prisoner being present in the yard of the prison, I notified him and the jailer of these presents, with the said ordinance, that they may not plead ignorance, which was certified. Signed: Lenormand.

No. 1389.

Conclusions of the Procureur General of the

October 5, 1753.—The Criminal suit extraordinarily instituted, on petition of the Substitute of the Procureur General at the Post of Mobile, against one André

King against
Baron.

Baron, defendant and accused, at present detained in the prisons of this City: The complaint lodged against the accused on date of last August 12th; the inquiry made against him, composed of two witnesses, one of whom is a negro slave, on the 14th of the said month; other inquiry on the 16th of the said month, composed of two French witnesses who declare very little concerning the crime of the accused.

Interrogation of the accused, containing his confessions and denials, on date of the 17th of the said month; the decree of bodily apprehension of the 14th. The reëxamination of the witnesses in their testimony, of the 18th of the said month. The confrontation of the said witnesses with the accused, on the 20th of the said month. Other inquiries of the 22nd and 27th of the said month. Reëxamination and confrontation of the witnesses heard in the inquiries, of the 27th, 28th, and 29th of the said month. Our complaint against the accused when he was transferred to this City, on date of last September 9th. The registering of the prisoner's name in the Registers of the prison, on date of last September 9th. Interrogation of the accused, on questions asked by Mr. Kernion, Commissioner appointed on this case, on the said day. Seen also all the other papers of procedure annexed to the suit, the whole duly and conscientiously examined.

I demand, in the King's name, that more ample inquiry be made of the points mentioned in the procedure against the said André Baron, and this in a year, during which time the said accused shall remain in prison, at New Orleans. Signed: Raguet, (acting as Procureur General).

No. 1390.

Judgment in the
case rendered
by the Superior
Council in New
Orleans.

October 6, 1753.—Criminal Session of the Council, on date of October 6, 1753, where were present MM. de Querlerec, Governor; Dauberville, Commissioner of the Marine, First Judge; de Membrède, Lieutenant of the King; de Bellisle, Major;

Le Bretton, de la Lande and Kernion, Councillors Assessors.

Between the Procureur General of the King, plaintiff and accuser, against one André Baron, defendant and accused: Seen the procedure made at Mobile, that made at New Orleans, the conclusions of the Procureur General, the report of M. Kernion, the Council has sent back the accused for more ample information, for a year, during which time he will remain in prison.

Given in the Council Chamber, October sixth, one thousand seven hundred and fifty-three.

Signed: Kerlerec; D'Auberville; Membrède; Delalande; Bellile; Le Bretton; Huchet de Kernion.

No. 1391.

Interrogation
of Baron before
the Superior
Council in New
Orleans.

October 6, 1753.—Interrogation of André Baron before Vincent Guillaume Dauberville, Councillor of the King in his Councils, Commissioner of the Marine, Ordonnateur, and acting as First Judge, being in the Council Chamber, where were also MM. de Querlorec, Governor of this Province; Demembrède, Lieutenant of the King; Le Bretton, Delalande, Kernion and Lafreniere, Councillors Assessors; and Raguet, acting as Procureur General. After having proceeded to examination of the suit for extraordinary crime instituted, on petition of the Procureur General of the King, against one Baron, accused and prisoner in these prisons, we had the said André Baron brought before us, who was sworn to speak and answer the truth, after which we interrogated him on his name, age, qualification and residence, all questions which he answered as heretofore.

Asked if he wishes any of the Judges revoked, he said that he did not. Interrogated if he knew the accusation against him, he said yes, but it was false. He was interrogated on the same lines as the previous interrogations, and made the same denials and answers. Asked what he wanted to do with the horse hair, he replied that he intended it for a fishing line.

As before, when the interrogation was read to him he said that his answers were the truth, and declared that he could not sign nor write, wherefore inquiry following the ordinance.

Signed: Kerlerec; Dauberville; Membrède; Delalande; Bellile; Le Bretton; Huchet de Kernion.

August 21.

List of
mandates.

Memorandum of various notes and mandates given in payment to M. Rodier, which the undersigned promises to make good in case of non-payment:

446 ls.—Mandate accepted by M. Puhassey.
100 ls.—Mandate from M. Arcere.
160 ls.—Mandate from M. Arnault.
198 ls.—Mandate from Srs. Lussy Bros.

1114 ls.—Amount of said mandates.

The sum of 1114 livres, at St. Pierre, August 21, 1753.

Signed: Moulinier.

August 22.

Petition by
Couilleret for
recognition of
claim against
Boyer.

Petition to M. Dauberville, Commissioner of the Marine and First Judge, by Pierre Couilleret, who states that since 1730, shortly after the Natchez massacre, he was Francois Boyer's friend and he continued with him a kind of community of movables, without any written contract or agreement. To begin this

association the petitioner made an advance of two bulls, which he had from Comtois, on the Bayou, said animals coming from an auction by M. de Trenaunay. The petitioner also put in a sum of 700 livres, which he had earned from M. Fazende, Councillor; moreover, a lot owned by petitioner acquired from M. Fazende, where now lodges M. Boyer. The petitioner, owing to his kind heart, never exacted a settlement from Boyer. He perceived that in the family affairs of said Boyer, he listed half a negro who died during their partnership, whom he had acquired from the Company of the Indies, together with some barrels of provisions; but as Couilleret, the petitioner, always found himself advancing to the said partnership by his work and other furnishings, he requests of the justice and equity of the Commissioner to be reimbursed at the pro rata of the said advances, on their approval as legitimate. That the sum of 700 (livres), which Boyer declared to the Greffier, be altered on previous credits of said partnership, asking that the whole sum, with interest, be reimbursed. Signed: Couilleret.

August 22.

2½ pp.

Petition by
Germain for
recovery
of debt.

Petition to the Superior Council by Pierre Germain, resident of New Orleans, claiming from Sr. Barbin for lumber delivered, the sum of 3194 livres, 2 sols, following his note, dated April 28, 1752, payable in the following month of May, on which the petitioner received the sum of 1600 livres

on account, the balance still due being 1594 livres, 2 sols. This considered, he prays that, following a statement of the lumber and of his note, hereto annexed, he be cited at the next session, to be condemned to pay the remainder due, interest and costs. Signed: Germain.

Permit to cite.

August 22, 1753.—Permit to cite.
Signed: Dauberville.

Notice served.

August 23, 1753.—Notice of citation served on Sr. Barbin, at his domicile in New Orleans, on petition of Sr. Pierre Germain, ordering him to appear before the Superior Council, Saturday, September 8th, at 8 o'clock A. M., leaving him copy of statement, the note, petition, and this notice, which was certified. Signed: Lenormand.

August 26.

No. 1370. 4 pp.

Family meeting
of relatives

Family Meeting convened before M. Francois Huchet de Kernion, of the relatives of the Petit de Livilliers minors, at 2 o'clock in the afternoon. Those present were M. Delfau de Pontalba, Captain of troops, as tutor of the minor heirs of Sr. and Dame

of the Petit
de Livilliers
minors.

Petit de Livilliers. Sr. de Pontalba married the Widow Livilliers, and as their tutor he holds a sum of seven thousand two hundred and some livres for each minor. Two of the minors have died, which increases the share of those remaining. As he pays interest on the said sums, and as his affairs require his presence in France, he wishes to be discharged from said tutorship. The other relatives called were M. de la Houssaye, brother-in-law of the minors; M. de Grandpré, maternal uncle of the minors; M. Lesassier, militia officer and merchant, cousin of the minors by marriage; M. de Membrède, M. de Bellile, M. Derneville, de Chavoy, friends of the minors. M. de la Houssaye, their brother-in-law, was elected tutor. Signed: Pontalba; Grandpré; Delahoussaye; Membrède; Bellile; Derneville; Chavoy; Huchet de Kernion.

Approval of
the tutor
elected.

Whereon the judge Commissioner, undersigned, with the consent of the Procureur General of the King, has charged M. de la Houssaye with the tutorship of the minors until they attain their majority, which he voluntarily accepted and took the oath, which election will be reported to the Superior Council for homologation. Signed Delahoussaye; Huchet de Kernion; Raguet.

Consent for
homologation.

November 3, 1753.—Consent of the Procureur General of the King that the present act be homologated, and this done that Sr. de Pontalba remit to the tutor his account, with the funds belonging to the minors, for which he will be given valid discharge. Signed: Raguet.

Order for
homologation.

November 3, 1753.—The Council, on the conclusions of the Procureur General, has homologated the advice of relatives and friends to be executed in its form and tenor, after which M. de Pontalba shall render account before M. Le Bretton, Councillor Assessor, in the presence of the Procureur General, and will remain well and validly discharged. Signed: Dauberville.

Original
petition of
Pontalba for
convening of
above family
meeting.

October 24, 1753.—Petition to M. Dauberville by Sr. Delfau de Pontalba, Marine Captain, acting as tutor of the minor heirs of deceased Madam and Sieur Petit de Livilliers, stating that having married the Widow Petit de Livilliers he remained tutor of the children of her first marriage, to whom he rendered account after their mother's decease, of 7200 livres; other deaths increased the share of the said heirs, and as he

has paid interest and that he is called to France by his affairs, he wishes to be discharged from his tutorship and to remit their funds to a tutor and a curator, wherefore he prays that a meeting be convened of the relatives and friends of *Sieur de Livilliers* and of *Madam Petit de Livilliers*, wife of *Sr. de Vaugine*, before one of you whom it may please you to name as commissioner, in the presence of the *Procureur General*, to elect a tutor, and the petitioner to be duly discharged. Signed: *Garic*, for the petitioner.

Permit for
family meeting.

Permit to convene relatives, and in their default friends, for the aforesaid purpose, before *M. Kernion*, councillor and commissioner in this case, in the presence of the *Procureur General* of the King. Signed: *Dauberville*.

Notices served
of family
meeting.

October 26, 1753.—By Virtue of the above order, and on petition of *M. de Pontalba*, Marine Captain, domiciled in New Orleans, notice served on the following: *Sr. de la Houssaye*, Marine Captain, Knight of the Royal and Military Order of St. Louis, brother-in-law of the minors, domiciled in New Orleans, speaking to him personally; *Mr. de Grandpré*, Marine Captain, maternal uncle of the minors, residing in New Orleans; *Mr. de Lesassier*, merchant, cousin by marriage of the minors, speaking to him personally; *M. de Membrède*, Lieutenant of the King, friend of the minors, speaking to him personally; *M. de Belisle*, Major, friend of the minors, residing in New Orleans; *M. Derneville*, Captain of a Marine Company, a friend of the minors, speaking to him personally; *M. de Chavoy*, Knight of the Royal and Military Order of St. Louis, Captain of a Marine Company, at his domicile in New Orleans, speaking to him personally; ordering them to appear on this day at 2 o'clock in the afternoon, before *M. Kernion*, Councillor and Commissioner in this case, in the presence of the *Procureur General* of the King, in his hotel, to give their advice on the election of a tutor and a curator to the said minors to govern their persons and their goods, declaring to them that in default of their appearing they will be thereto compelled in the usual manner; copy left separately to each, that they may not plead ignorance, which was certified. Signed: *Lenormand*.

Lower right corner of document torn away, text missing, stained and pale.

(Translator's Note: *Louise Etienne* de Malbec, from her marriage to *Charles Petit*, *Seigneur de Livilliers*, Captain of Marine troops in Louisiana, had five children, viz: (1) *Charles Cesar Petit de Livilliers*, Ensign in Marine troops; (2) *Charles Etienne Petit de Livilliers*; (3) *Marie Victoire Petit de Livilliers*,

who married Augustin Pelletier de la Houssaye, and from which marriage there were two sons; (4) Antoinette Pélagie de Livilliers, first married to M. Gouyon de la Rochette, by whom she had one daughter, Etiennette Gouyon, who married Jean Baptiste Garic, notary and advocate in Parliament; and, secondly, married to M. Etienne de Vaugine, by whom she had five children; (5) Pélagie Petit de Livilliers.

Louise Etiennette de Malbec, widow of Charles Petit de Livilliers, married, secondly, M. Jean Joseph Delfau de Pontalba and had a son from this marriage. The mother died when he was born. He was a co-heir in the Livilliers succession on his mother's side. Mr. de Pontalba then renounced the tutorship of his stepchildren and went to France. About 1753 he married Marguerite Madeliene Broutin, and in January, 1754, a son, Joseph Xavier Delfau de Pontalba, was born to them. Pontalba's second wife was the daughter of Ignace Francois Broutin and the widow of Marigny, whom Broutin married in 1729. This explains the tie between the Livilliers, Broutin and Pontalba families, which, notwithstanding financial difficulties, subsisted as long as representatives of their respective names remained.—H. H. C.)

August 30.

Invoice of
merchandise
sent by Testar
of La Rochelle.

Invoice of merchandise sent by Testar for account of Mrs. Chantalou, to her husband in Louisiana, loaded on the ship "La Concorde", under Captain Bertrand, consigned to M. Boullineau, junior, second Captain.

Among other articles: Undress caps, caps trimmed with blonde, etc.; a gross of hairirons; white Paris mitts; 24 caps, large and small, of pique; feathers and artificial flowers; two large black gauze mantelets, etc. Plus for account and risk of Madam Chantalou, placed in the same case: One taffetas mantelet trimmed with wide and narrow lace and chenille; two complete blonde attires, one plain, the other dotted; one all white, with the cap, the body piece, cape, and assorted puff for sleeves; two pairs of Moire shoes.

On request of M. Courtableau who had me to charge it.

Signed: Testar.

August 30.

8 pp.

Letter of Testar
of La Rochelle
to Chantalou of
New Orleans.

Letter, signed by Testar of La Rochelle, written to M. Chantalou of New Orleans. Testar refers to his last of March 28th by the ship of M. Girardeaux. Chantalou's on same date, accompanied by duplicate of C's letter of October, 1752. It is well that he accused reception by the Aimable Marie, and of the Equity, which articles

brought 25% profit, and those of the second 30%. You note

by this last that the guns were stained and rusty. I have reason to conclude that they were wickedly placed where they would be susceptible to such impression, and I shall force M. de Verigny to reembark them, authorized to the same precaution I took to engage freight early without mentioning the articles; they refused the freight of the case of arms, under pretext that they had no place, having let me see their surprise at the sight of the cases of arms, because they had some, and placed ours with a view to the advantage of theirs. I do not count on this happening in the future. Sr. Duvrigny intends to arm his ship in the beginning of winter. I shall also send guns of a larger calibre, adhering to your observation. I pity Girardeau, commissioned with two boxes of Spanish tobacco for me. His diversion of the cargo of guns is rash. I am not the less appreciative of your attention, though the tobacco did not reach me. I have been badly served. I had some at the fair of Bordeaux last October (?) . . . for a time silk went way up and is still very high. Be persuaded I will do my best. You will find herein the original invoice of the pompons and the flowers I sent your dear wife. In this affair it appears that my confidence was not abused as I thought. These articles being very fine are at a rebate of six livres. This will prove how careful I am of your interest; it is with zeal I make your commissions . . . (illegible) . . . I send at hazard four pairs of hose for lack of measure . . . (illegible) . . . You will not this time receive the snuff box; you did not explain whether you wanted one with hinges or without . . . (illegible) . . . Mr. Crespin thanks you for your remembrance and effection. He will form shortly an establishment without crossing the sea. I pass to your last, accompanied by two letters of exchange for 3500 livres, with which I have credited you, as also for 2000 livres by the Aimable Suzanne of M. Girardeau. It was not possible to make Fayolle take the barrel of merchandise nor the two quarters of brandy. Hopes that the funds he advanced will soon be remitted, as it is disagreeable to pay for merchandise that remains in store. . . . (illegible) . . .

You will also find a letter from Madam, your sister. Let us speak of poor M. Henry. His wife was awaiting him here. I had tried to induce her to send you her procuration; someone else influenced her, since she gave it to Captain Bertrand; however, I pray you to seek her interest in explaining the succession to Bertrand and helping him with your advice. It appears to me that the poor deceased also lacked confidence in me . . . (illegible) . . . M. Lesassier is curator of the succession.

You flattered me that I would be paid by Gerbe; you do not mention this affair in your letters . . . (illegible) . . . You said that you would try to obtain the correspondence of M. Destréhan, your Treasurer. Sends two pamphlets: "The mar-

vellous. . . wisdom of our Kings"; the second, "Remonstrance of the Parliament". Will send two others which are the continuation . . . (illegible) . . .

Compliments to him and his dear wife. She sends a small bale and will be charmed if Madame Chantalou finds anything that pleases her. Do not make any ceremony in accepting it.

With sincere attachment, your very humble and obedient servant,

(Signed :) Testar.

September 1.

Defense of Boyer
against demands
of Pierrot.

Answer to demands of Pierrot before the Superior Council, by Francois Boyer, saying that he always worked in partnership with Sr. Pierrot, without any agreement, guided only by his good faith. He always

thought that Sr. Pierrot owed him half on a negro slave who died in their service. The negro never entered any account and the plaintiff is not ignorant of it, since he was the cause of his death, for going to cut up an ox at Bellegarde's and having brought the slave with him, where said negro received a blow from the animal's horn, of which he died in eight days. The negro was aged 22 years. He did not keep account to the defendant of a sum of 1200 livres which said Pierrot held for him at the time of his marriage and which he spent in celebrating it; nor of 253 cows which the defendant likewise left him, and which never entered the account, both working in good intelligence, guided only by their honesty; wherefore, may it please the Council to condemn plaintiff to keep account of the death of said negro, following estimation made by arbitrators, also of the sum of 1450 livres, and of three cows of which Pierrot remained in possession, after which he will render account to Pierrot on his demands. Moreover, in case of denial, defendant requests that he be put under oath. Signed: Mark X of Francois Boyer.

Document stained and torn.

September 1.

Petition for
permit to sell
a house.

Petition to the Superior Council by Marie Jeanne Magnus, wife of Laurier, and that of Etienne Reine, saying that their mother left them only a small house. They would have to sell it, which she cannot do with-

out the consent of Laurier, absent from the Colony, wherefore she prays that the Council authorize the sale of the house and lot, after required advertisements. Signed: La de Laurier; Etienne Reine.

Permit granted.

On conclusions of the Procureur General of the King, permit to sell after complying with prescribed formalities. Signed: Dauberville.

September 1.

1¼ pp.

**Avignon vs.
Beaudreau.**

Petition to the Superior Council by Claude Renaud, called Avignon, merchant of New Orleans, saying that he obtained a decree of the Council on the 4th of last month, condemning Jean Baptiste Beaudreau to pay him the sum of 1278 livres, 10 sols, following his notes of August 17, September 10, and November 29, 1742. He has not yet been paid, notwithstanding all these pursuits and the Council, following decrees of August 13th and 23rd, to permit seizure of all the movable effects which may belong to said Beaudreau, to be sold judicially to the sum of 1278 livres, 10 sols, without counting costs and interest. Signed: Avignon.

September 1.

No. 1386. 1½ pp.

**Session of the
Superior Council.
Judgments
rendered:**

Session of the Superior Council where were present: MM. de Kerlerrec, Governor; Dauberville, Commissioner of the Marine, acting as Ordonnateur; Demembrède, Lieutenant; Debellisle, Major; Raguet, Dean of the Councillors, acting as Procureur General; Le Bretton, Delalande and Kernion, Councillors Assessors.

**Couilleret
vs. Boyer.**

1. Between Pierre Couilleret, plaintiff, vs. Francois Boyer, defendant: Seen the demands and defenses of the parties, heard the conclusions of the Procureur General of the King, the Council has condemned Boyer to pay to Couilleret the sum of two hundred livres for account of partnership until this day, and condemns said Boyer to pay costs.

Goudeau vs. Caüe.

2. Between Sr. Francois Goudeau, plaintiff, vs. Sr. Francois Caüe, defendant: Seen the demands of the plaintiff, the note and mandates by him presented, the Council has rendered first judgment in default against defendant for non-appearance, and ordered that he be cited again. Costs pending.

**Avignon vs.
Baudreau.**

3. Between Sr. Claude Renaud, alias Avignon, plaintiff, vs. Jean Baptiste Baudreau, defendant: Seen the petition of the plaintiff, with the conclusions of the Procureur General of the King, the Council has ordered that the decree of August 4th be executed in its form and tenor at Mobile, and that previously the wife of Baudreau will be called into the case to defend her rights. Costs pending. Signed Dauberville.

(Date torn
away.)**Letter of Pradel
to Chantalou.**

Letter, dated from Montplaisir, signed by Pradel, and addressed to M. Chantalou, Greffier of the Superior Council. M. Pradel answers M. Garic, who claims an old debt which he says is due to the succession of M. de la Chaise. He is acting

under procuration of M. Duval. Pradel's share of the debt must have been paid by M. Dheviller. I would have assisted at the session this day for my defense, but his health did not permit it. He prays Chantalou to ask the Council to adjourn his case until the first Monday of November. He prays for a word in answer, which he will send his young negro for Sunday. Signed: Pradel.

September 3.

Letter from
Benoist, at
Pointe Coupée.

Letter from Pointe Coupée, signed Benoist, announcing the minutes of last year; there are twenty-five minutes. As he cannot live in Pointe Coupée, he is going up to Natchez to work under the Chevalier Dorgon, who proposed it gratuitously. I beg you to be present at the reception of the minutes; there are five missing from last year; this will procure me the pleasure of news from you. My respects to Madame Chantalou. He remains, with all possible consideration, his humble and obedient servant. Signed: Benoist.

September 18.

2 pp.

Petition of
Daniel Rasteau,
as administrator
of goods of Jean
Baptiste Senet.

Petition to the Superior Council of the Province of Louisiana by Daniel Rasteau, as administrator of the goods of Jean Baptiste Senet, saying that as such he had procured the adjudication of a plantation, negroes, cattle and utensils, belonging to said minors, which was finally adjudged to Sr. Triere for the sum of 1230 livres per

year, payable every six months, under bail of Francois Jourdain, settler, beginning February 1, 1751, following the decree of adjudication hereto annexed. However, said Jourdain has not yet satisfied said demand, notwithstanding its repetition and the citation of September 13, 1752, when he was put in possession, notwithstanding reiterated promises. He owes at this present for the sum of his adjudication the sum of 3280 livres, since February 8, 1751, until October 8, 1753, for which payment he requests that the Council allow the petitioner to have said Sr. Triere cited and Francois, his bondsman, to appear before the Council, to be condemned bodily to pay solidarily to the petitioner the two years and eight months he owes for the price of his lease, amounting to the sum of 3280 livres, without prejudice to running terms, plus the interest and costs. Signed: Garic, for the petitioner.

Permit to cite.

September 18, 1753.—Permit to cite Francois Jourdain, as bondsman, at the next session. Signed: Dauberville.

Order on above
petition.

September 24, 1753.—Following the order, and on petition of Daniel Rasteau, in the name of and as tutor of Jean Baptiste Senet. . . . (Document unfinished.)

September 22.

Petition of
Jung vs. Armand
and Ledut, for
payment of note.

Petition by André Jung, saying that he sold to Sieurs Armand and Ledut a piece of land for two negroes, whom they obligate to remit to petitioner when said Sr. Ledut will have returned, as carried in their note of April 25, 1753, hereto annexed. Notwithstanding that it is due by the arrival of Sr. Ledut, he, as well as Sr. Armand, refuses to execute its tenor, wherefore the petitioner prays for permit to cite Sieurs Armand and Ledut at the next meeting of the Council, in order to be condemned to pay their note. Signed: Jung.

Permit to cite.

September 22, 1753.—Permit to cite at the next session of the Council. Signed: D'Auberville.

Notice served
on Le Duff
(Ledut?).

September 25, 1753.—Notice of citation served on request of Sr. André Jung, by Sieur Marin Lenormand, crier, usher, and sheriff in the Superior Council of New Orleans, residing in said place, on Sieur Nicolas Le Duff, Ship captain, at his domicile, in his store, speaking to him personally, and ordering him to appear at the next session of the Council, on the first Saturday of the month of next October, at eight o'clock in the morning, to answer on the demand of Sr. Jung, mentioned in his petition, requesting costs, and speaking to them as above left copy to each separately of the note, petition, and order, as of this present summons, which was certified. Signed: Lenormand.

Defense of Armand
and Le Duff to
demands of Jung.

Reasons given before Our Lords of the Council of Louisiana, in answer to the petition presented to them, on the twenty-fifth of the month of September: It is true that, conformably to the petition of June 1st, Simon Armand and Le Duff bought a piece of land situated at the Chapitoulas, containing (101) arpents frontage, following . . . (illegible) . . . , under private seal, on date of the 25th of last April, payable by two young negroes. The Court must think that in this affair there is no question of the lack of payment, but of the certainty of the petitioners being able to fulfill their engagements; but, as in the acquisition of lands one must seek all securities necessary, Sieur Jung should have communicated to the petitioners his act of proprietorship, which title is necessary on the vendor's side as well as on that of the buyer. The petitioners would have then examined if these titles were sufficient; no doubt that Sr. Juin (Jung) also have evidence of his taking possession, title all the more necessary in lands where they become the property of minors; the Council of Louisiana had always in these occasions ordered the necessary acts and postings.

Whereon Sieurs Armand and Le Duff conclude that it please the Court to order that Sr. Juin (Jung) communicate, within eight days, the act of property and possession of the said plantation in all its forms, for the tranquillity of their possession, in default of this, to order that private possession between the parties, on date of the 25th of last April shall remain null and without effect, and that Sr. Juin (Jung) be condemned to pay costs. Signed: Leduff & Armant.

September 22.

Petition for
permit to sell
house and lots.

Petition to Mr. D'Auberville, Ordonnateur and First Judge of the Superior Council of this Province: Humbly petition Michel Dargaray, inhabitant of this City, saying that he intends to sell two lots, with a house thereon, appurtenances and dependencies, without reserve, situated in this City, adjoining on one side the lot of one Nivet, and on the other that of Caminada, and not being able to do so without your permission, may it please you, Sir, to permit the petitioner the above sale of the said lots and house, after observing the required formalities, and of paying hypothecations if there be any. Signed: Dargaray.

Permit granted.

September 22, 1753.—Permit to sell, on compliance with formalities. Signed: D'Auberville.

Certification of
advertisements.

October 8, 1753.—Certification by the undersigned Sheriff, following the ordinance below the petition, who certifies having made three postings at the door of the Church and in the accustomed places, during three consecutive Sundays, to attain the sale of two lots and a house mentioned in said petition, without anyone having opposed it. In testimony of which I have signed and delivered the present proces verbal to serve and avail as shall appertain. Made in New Orleans, October 8, 1753. Signed: Lenormand.

September 24.

Petition of Garic,
acting under
procuration of
Widow Henry.

Petition by Jean Baptiste Garic, acting under general and special procuration of Dame Jeanne Poussin, widow of Sieur Nicolas Henry, when living chief Greffier of the Superior Council, saying that deceased Sr. Henry made an olographic will in which he names Sr. Lesassier his testamentary executor, who must have satisfied and executed it, but as the constituent was in community with deceased Sr. Henry and has no knowledge of his succession for the repetition of half and of her rights, the petitioner, in his capacity, demands that it please our Lords of the

Council to have Sr. Lesassier cited, in his capacity, to appear the first day of the session, to be ordered to render account of the succession of deceased Sr. Nicolas Henry, before the Council it will please you to appoint for that purpose, all papers, titles, notes, and inventories concerning the said succession to be communicated to him, in order to take such conclusions as he may think proper, which the petitioner will do in his answers to the bills, the papers having been submitted to him. Signed: *Garic, procureur.*

Permit to cite.

September 24, 1753.—Permit to cite at the first session of the Council. Signed: *D'Auberville.*

Notice served
on *Lesassier.*

September 25, 1753.—By Virtue of the above order and on petition of Sr. Jean Baptiste *Garic*, advocate in parliament, in the name of and charged with procuration of *Madam Jeanne Poussin*, widow of deceased Sr. Nicolas Henry, whilst living *Greffier* of the Superior Council of this Province, residing in New Orleans, where his domicile is elected, citation served on Sr. Lesassier, merchant of New Orleans, domicile elected in his house, speaking to him personally, . . . (illegible) . . . to appear on the first day of ordinary audience, on the first Saturday of next October, at eight o'clock in the morning, in the chamber of the Superior Council of this Province, to answer and for the purpose of the said petition and see ordered what shall appertain by right, claiming costs, and speaking to him as above, left copy of the procuration, legalization, petition, ordinance, as well as of this present, which was certified. Signed: *Lenormand.*

Procuration
naming *Garic* as
attorney for
Widow Henry.

May 4, 1753.—Before the Councillors of the King, Keepers of the Seals and Notaries at La Rochelle, undersigned, personally appeared Miss *Jeanne Poussin*, wife of *Sieur Nicolas Henry*, resident of the Province of Louisiana, Coast of the Mississippi, being the said Miss appearing, in this City at the Convent of "les dames Religieuses Notre Dame de Charite". She has voluntarily made and constituted as her procureur general and special *Sieur Jean Batiste Garigue*, advocate in the parliament of Toulouse, to whom she gives power in case of decease of *Sieur Henry*, her husband, to represent her person before all judges, notary, procureur of Vacant Estates, and other public persons who shall appertain, requiring all opposition, acknowledgment, raising of seals from movables and effects of the succession of said Sr. Henry, to take cognizance of the strength of the said succession, to have inventory made for the said constituent, to show, settle and close all accounts; recover all debts, give receipts and discharges, proceed to all

divisions, plead if need be, to contest, to summon, set seals, raise again, acquiesce, desist, elect domicile, to constitute procureurs (attorneys), to substitute others in their place, to pursue in all tribunals until satisfaction, to seize, to give replevy, in a word to do and act in the name of and for the said lady, as she would herself if she were on the spot, to treat, compose, come to an agreement in different suits, to be moved by legal means, choose arbitrators, to adjust with creditors, sell, make returns to the address and consignment of Sr. Thomas Delaire, merchant residing in this City, to negotiate all notes that may be found in said succession, to convert them into letters on the General Treasurer of the Marine at Paris, or into solid paper on this place and generally, in all cases, to represent the said lady constituent, who from this moment approves all that may be done in her name by the said procureur constituted; promising, obligating, etc., &c, judged and condemned, &c.

Done and passed at La Rochelle, in the office of Hardy, before noon, on the fourth day of May, in the year one thousand seven hundred and fifty-three. The said constituent declared that she did not know how to sign, wherefore summoned as per ordinance. Signed: Daviaud; Hardy.

Controlled at La Rochelle May 14, 1753. Signed: PY. XY; Pichon.

Certification
of the above
procuration.

We, Gabriel Beraudin, Ecuyer, Lord of Passy Rompsay, Councillor of the King, Lieutenant General in the Seneschal's jurisdiction and presidial siege of the City and Government of La Rochelle, certify to all that Messrs. David and Hardy, who received and signed the above procuration, are Notaries Royal in this City, and that faith may be had in their signatures as well as in the acts they pass daily, in testimony of which we have signed these presents. Done at La Rochelle, in our hotel, May fourteenth, one thousand seven hundred and fifty-three. Signed: Beraudin.

September 28.

Petition by
Baudreau, called
Graveline, vs.
Tarascon, for
possession of
a plantation.

Petition by Jean Baptiste Baudreau, called Graveline, plaintiff, vs. Charles Tarascon, as husband of Widow Langlois, defendant: He states that he is the proprietor of land situated at Bayou St. John, as appears by a letter of Louis Turpin, dated 1730. Petitioner enjoyed possession

of said land for several years and thereon established a dairy, which he ceded to Sr. Derbanne who retroceded it to petitioner, as appears by the annexed document. Louis Turpin had no right to it when he made a donation to Marie Louise Girardy, and said donation falls of itself, since he declares that title of possession is in Graveline's possession, which debars him from all pretension thereto. This considered, may it please the Lords of the

Council to have Charles Tarascon cited before you at the next session, to hear the donation made to his wife by Louis Turpin declared null and void, and that in consequence he be ordered to vacate said land, and that expense, costs and interest be on him. Signed: Baudreau.

Permit to cite.

September 29, 1753.—Permit to cite at the next session. Signed: D'Auberville.

Notice served.

September 29, 1753.—Notice served on Charles Tarascon, as husband of Marie Louise Girardy, domiciled in the house of Sr. Gautreau, speaking to Madam Gautreau, ordering him to appear at the next session of the Superior Council, on the first Saturday of the month of October, at eight o'clock A. M., to hear ordered what is right, leaving copy of petition, and of this summons, which were certified. Signed: Lenormand.

September 30.

Petition of
Payen de Chavoye
vs. Renard Bros.

Petition to the Superior Council by Payen de Chavoye, Knight of the Royal and Military Order of St. Louis, Captain of the troops in this Colony, saying that having sold to Sr. Duhomel, officer, a plantation of eight arpents frontage, with buildings and dependencies, said Mr. Duhomel ceded it for the same price of twenty-two thousand livres, payable in three terms, viz: ten thousand livres in letters of exchange; two thousand livres at the end of the present year; and four thousand livres at the end of the year 1754. As M. Duhaumel did not pay the petitioner, he made retrocession of the price of the said plantation; in consequence MM. Renard Bros. furnished M. de Chavoye three letters of exchange, amounting to the sum of ten thousand livres for the first term due, drawn on M. Renard the father, at Paris, which letters of exchange were protested in default of acceptance and payment, as appears by the protest. This default of payment caused considerable damage to the petitioner, as Madam Chavoye, his wife, counted on this money in France, and could not return until the debts she contracted there were paid. Even now Sieurs Renard refuse to pay the said letters of exchange, wherefore the petitioner has recourse to your authority. May it please you, Gentlemen, to permit him to have Renard Bros. cited to appear before the Council at its next session, to be condemned solidarily to pay the sum of twelve thousand livres for the terms due; with that of ten thousand livres for the other terms, with interest, protest fees, . . . (illegible) . . . and such as it may please the Court to order on account of the delay in France, of the said Madam de Chavoye, who in default of payment of the said sum of 22,000 livres, interest, expense and damages,

"change and rechange", by the said Sieurs Renard and my said Sr. de La Lande, as having acted, done and authorized Sieurs Renard for the purchase of the said plantation, and having obligated himself to payment, following the act hereto annexed, on date of August 11, 1751, it be allowed to the petitioner to have the said plantation and negroes seized, really exploiting on it concurrently the said sum of 22,000 livres, interest, expense, damages and costs, the whole to be sold to concurrence of the said sum. Signed: Garic, for M. de Chavoie.

Permit to cite.

October 1, 1753.—Permit to cite for the next audience of the Council. Signed: D'Auberville.

Notice served
on Renard Bros.
and de la Lande.

October 2, 1753.—On Petition of M. Payen de Chavoie, Knight of the Royal and Military Order of St. Louis, Captain of a Company of troops in this Colony, residing in New Orleans, notice of citation before the Council served on Renard Bros., officers of the troops of this Colony, their domicile elected in the pavilion of the Barracks in New Orleans, speaking to Filibustier, their servant; on M. Charles Marie de la Lande, Councillor Assessor of the Superior Council of this Province, his domicile elected in New Orleans, speaking to him personally; ordering them to appear before the Council next Saturday of the present month, at eight o'clock in the morning, to hear ordered what shall appertain by right, . . . (illegible). . . . Signed: Lenormand.

Document in bad condition.

Answer of Renard
to petition of
Chavoie.

October 6, 1753.—Lords: M. de Chavoie (Chavoie) asks for 22,000 livres for the plantation I bought from M. Duhomel. I first owe him 10,000 livres payable in letters of exchange on France in 1752, which were protested; M. de Chavoie exacted from me a letter of exchange on France for 2000 livres for interest on 10,000 livres, and in the case of the letter of 2000 livres being protested, he exacted from me another note for 3000 livres, of which he is bearer, payable here on arrival of the protest on the letter of 2000 livres. Here are then ten thousand livres carrying 20% of interest, and interest on interest carries 50% per hundred.

M. de Chavoie made this law; he could for the most at present exact the interest of a year (1753) and not the fund. There is, I think, no jurisdiction or interest of this matter . . . (illegible) . . . , especially when exacted by the petitioner; this reason makes me conclude that M. Chauvin take back his land

for 24,000 livres, paid in France, and remitting to me a note of 3000 livres, of which he is bearer, if Sr. de Chavoye does not prefer to receive 6000 livres each year, counting from this day, that is from crop to crop, with 11,000 livres of interest for the first year; of 22,000 livres, of which the capital and interest would diminish in proportion to the remittance made.

This land of eight arpents frontage costs over 3000 livres the arpent, and compensates for having it sold "a la folle enchere", as M. Chauvin asks for the land and sixteen negroes placed on it, which will be sufficient to pay for it, this land being worth at most 1800 livres, in funds of this day, following at which the last was sold.

Our Lords will not find it ill that I have the honor to represent that I have not contracted with M. Duhomel but on the word given by my father to pay 10,000 livres on account to M. de Macarty, for a useful acquisition that we would make in this Colony, against the funds given us on leaving France, and to which he would not consent on the news given from here of my bad conduct, which I hope will change when he will hear from stronger and more certain sources the contrary; which leads me to make to M. de Chavoye the above offers. Signed: Renard.

(To be continued.)

a
cont

**INDEX TO THE SPANISH JUDICIAL RECORDS
OF LOUISIANA**

LXII.

December, 1783.

(Continued from April, 1939, Quarterly)

By **LAURA L. PORTEOUS.**
With Marginal Notes by **Walter Prichard**

Spanish officials appearing in this installment:

Esteban Miro, Colonel of the Fixed Regiment of Infantry of this Place and Governor ad interim of Louisiana.

Martin Navarro, Intendant General of this Province and of the Royal Treasury.

Alcaldes: Francisco Maria de Reggio; Francisco Josef LeBretton D'Orgenois.

Escribanos: Rafael Perdomo; Fernando Rodriguez.

Juan Doroteo del Postigo y Balderrama, Assessor General and Auditor of War of this Province.

Nicolas Fromentin, Deputy Sheriff.

Juan Josef Duforest, Official Interpreter and Translator.

Luis Lioteau, Official Taxer of Costs of Court.

Adrian Joseph de la Place, Public Appraiser.

Mauricio O'Connor, Commander and Judge of the Parish of St. John the Baptist of the German Coast.

Witnesses: Juan Andres Verdaley; Luis Domingo Beltremieux; Juan Bautista Petaben (A. Peytavin); Nicolas Reynaud; Juan Bautista Labatut; Francisco Carcasses; Manuel Monrroy.

December 4, 1783.

Executory Process. Joseph Dias, as Testamentary Executor and Guardian of the estate of Manuel Ponze Pasquin, vs. Pedro Villamil, to collect a debt.

No. 29. 10 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This simple suit to collect a debt is complicated by the death of the creditor, who had had some other financial dealings with the debtor, not directly connected with the debt in question but which the debtor desired to have taken into account in connection with the final settlement of his obligations due the deceased.

The first entry is a promissory note dated February 9, 1782, for 100 pesos, signed Pedro Gonzales Villamil, which was turned over to Joseph Soto Mayor, on October 30, 1783, by Manuel Ponze Pasquin. This note is presented by Jose Dias, Testamentary Executor and Guardian of the Pasquin estate, who sets forth that it is evident from the obligation, which Jose de Soto (Mayor) received confidentially from the deceased and returned to his succession when he failed to collect, that Pedro Villamil, Superintendent of the Royal Hospital, owes the decedent's estate 100 pesos, which up to now he has not paid, although he has been reminded to do so several times. Therefore he prays to have the defendant verify his signature, under oath and without delay, and done that his declaration be

delivered to the plaintiff. Governor Miro, on Juan del Postigo's advice, rules: As it is prayed; let the taking of the declaration be entrusted to the Escribano.

Villamil fails to answer, so Dias again petitions, stating that his opponent has been notified of the foregoing decree, ordering him to make a declaration, which he has not done, although five days have passed. Therefore, considering the said Villamil does not pretend anything, and is merely prolonging the settlement indefinitely, which is prejudicial to the Pasquin creditors, he prays to have Nicolas Fromentin, Deputy Sheriff, bring him to the Escribano's Office by judicial compulsion so that he may comply with the decree. The Governor, on the Assessor's advice, rules: As it is prayed.

Nicolas Fromentin reports that pursuant to the above decree he went to Pedro Villamil's dwelling house for the purpose of notifying him of its contents, and he answered that he would not obey the Governor because he holds the Intendant is the sole Judge in the case. In testimony whereof Fromentin sets this down as a matter of record.

The next entry is the declaration, which reads: That on December 19, the Escribano went to Villamil's house to receive his statement. He administered the customary oath to him, under the charge of which he promised to speak the truth, and

examined him upon the tenor of the foregoing petition, and after he had seen the note he declared the signature is his and that he owes the amount specified.

Juan Suriray de la Rua petitions to say that, in continuation of the Executory Proceedings brought by Jose Dias against Pedro Villamil, he wishes to recall that in the proration made of the Pasquin estate he was recognized as one of the creditors for 603 pesos 6 reales and was assigned, on account, the 100 pesos Villamil owes the said succession, according to his note on page 1. In obedience to the Court's order, the petitioner accepted the said obligation, as the present Escribano will certify upon request, and although he was reminded, politely, to pay, he has not done so. In consideration whereof, and inasmuch as he has declared and acknowledged his note and signature, he prays to have a Writ (of Execution) issued in his favor, against the person and property of Villamil, for the entire sum, its one-tenth and costs.

On February 27, 1784, Esteban Miro, Colonel of the Fixed Regiment of this Place and Governor ad interim, having seen the records, said: He must order and does order a writ of execution issued against the person and property of Pedro Villamil for the sum of 100 pesos, its one-tenth and costs, caused or that may be caused up to the real and effective payment. For this is his decree, thus he has decided and ordered. Fees 2 pesos. (Signed:) Estevan Miro; Licenciado Postigo.

The Writ of Execution reads: Let the Sheriff of this city, or in his place, the Deputy, request Pedro Villamil to pay Juan Suriray, now, the sum of 100 pesos, and if he will not pay this amount, its one-tenth and costs, immediately, take execution against his person and whatever property the abovenamed may have, making a formal seizure of it, which must be placed in charge of the General Receiver. Thus his Lordship has decreed, on the advice of his Assessor; so he has ordered and signed, to which the Escribano attests.

On March 4, 1784, Nicolas Fromentin, Deputy Sheriff, appeared before the Escribano and said that with the Writ of Execution, on the reverse side of this page, he asked Pedro Villamil to pay Juan Suriray the sum of 100 pesos that he demands, and not finding any property to seize he left this Writ open to be enforced when this will be requested. Fromentin petitions Perdomo to set this down as the answer.

Pedro Villamil then avers that he had placed several pieces of jewelry in Mr. Pasquin's keeping, as payment on account. These jewels were delivered to him to be sold, so as to partly liquidate his debt. Mr. Suriray claims the full amount of his note without making any deduction, or even mentioning anything appertaining to the sale of the jewelry. He prays to be permitted to present witnesses who will testify upon

the tenor of this petition and confirm what he has said, and that the value of the jewels be deducted from his note. Governor Miro, on Assessor Postigo's advice, rules: Whereas, the legal time within which this party may take action having passed, this petition is denied.

On March 22, 1784, Miro, on Postigo's advice, decrees: Considering that this party has paid the sum that was demanded of him, let him be notified that he must pay costs within three days, with a warning of what has place in law. The record ends here.

[NOTE: See *Louisiana Historical Quarterly*, Vol. 20, No. 1, Page 252.]

December 9.

Proceedings brought by Francisco Riaño to be conceded a permit to proceed with the sale, at Public Auction, of a Brigantine, named the San Antonio, belonging to Antonio Argote, whose General Power of Attorney he holds.

No. 11. 11 pp.

Court of Intendant Martin Navarro.

No Assessor.

Escribano, Rafael Perdomo.

This case illustrates the legal procedure involved in selling a ship at auction in Spanish New Orleans. After presentation of proof of authorization to sell, the requested permit is granted. Three public calls are made and the day for the sale is fixed. The auction is conducted by the Public Town Crier in presence of the Escribano. The case comes before the Court of the Intendant, who had charge of all commercial and maritime matters.

Francisco Riaño, holding the General Power of Attorney of Antonio Argote, presents himself in the Intendant's Court and sets forth that his constituent has entrusted a Brigantine, the San Antonio, to him to be sold at public auction, according to orders communicated by letters, which may be verified. Therefore he prays to be conceded a permit to sell, and also that the commission required by law be issued to the Escribano to hold the auction, and done deliver them to him so that he may promote what may be convenient to him. Martin Navarro rules: Let this party be conceded the permit he requests for the auction sale of the said Brigantine, which will be held before the Escribano who is commissioned for the purpose by this decree, and done let them be delivered to this party as requested by him.

The 1st, 2nd, and 3rd Public Calls are made December 9, 13, and 17, respectively, then on the 18th Francisco Riaño prays to

have a day assigned for the sale, since the three calls have been made. Intendant Navarro rules: Considering the three calls required by law have been made, he assigns the following day, the 19th of the current month, as the day to hold the auction. Let this sale be entrusted to the Escribano.

On December 19, 1783, the undersigned Escribano, in virtue of the commission conferred upon him by the foregoing decree, held the auction in his Office. Francisco Riaño, holding the General Power of Attorney of Antonio Argote, was present. The town crier proclaimed the sale of the San Antonio, in a loud, clear voice, saying he offers a brigantine of 150 tons, anchored at the levee of this city, belonging to Antonio Argote. Mr. Batalier was the first bidder to appear; he offered 2000 pesos; Carlos Vivan bids 3000 pesos; Bacilio Ximenes 4000 pesos; Juan Jose Duforest was next with an offer of 5000 pesos; Pablo Segond raised the bid with 5500 pesos; Francisco Hinard offered 7000 pesos; Geronimo de la Chapella 8000 pesos; and Juan Suriray is next with an offer of 8160. This proved to be the last and highest bid, so the San Antonio was adjudicated to him.

Francisco Riaño then petitions to say that the sale is finished, therefore may it please the Court to approve it in all its parts and for greater force and validation to interpose its authority and judicial decree. Martin Navarro accepts this petition and later decrees: Considering what Francisco Riaño has represented in his last petition, His Lordship says that since the sale was held under the customary formalities and with the assistance of the owner's General Agent, that from now, in accordance with the foregoing request, he approves and does approve the sale, and for its greater validation and force he interposes his authority and judicial decree.

The petitioner then asks for a taxation of costs because the case is finished. He also prays to have the Escribano give him a certified copy of these entire proceedings, authorized in public form, in a way that may have credit, and he will promptly pay all just and due fees for same. On December 23, 1783, Martin Navarro rules: Let the costs be taxed by the Escribano; he must file the originals of these proceedings in his office. Let him give this party the certified copy he has requested, upon the payment of all just and due fees.

Rafael Perdomo taxes costs at 12 pesos 7 reales, on December 4 (24), 1783.

December 11.

Redhibitory Action. Joseph Degruy vs. Peter Walker.

No. 3336. 2 pp.

Court of Governor Esteban Miro.

A note is filed in the margin of the first entry, reading: Documents regarding the sale of a negress and her child. Pierre Walker to Verloin Degruise (De Gruy). This entry is dated June 14, 1783, and is an Act of Sale executed at the German Coast and sent to New Orleans. It is to the effect that before Mauricio

Assessor, Juan del Postigo.

Escribano, None mentioned.

This suit illustrates the legal recourse of the purchaser of a slave who later displayed physical infirmities not mentioned at time of purchase. The proceedings here given are incomplete.

O'Connor, Lieutenant of Infantry, Commander and Judge of the Parish of St. John the Baptist of the German Coast, and witnesses, Messrs. Francois Daniel Pain and Luis Pain, personally appeared Pierre Walker to declare that he has this day sold a negress, named Maria, and her mulatto child, Charles, to Mr. Verloin Degruise (De Gruy) by these presents, for 450 pesos, payable next December. The vendor has delivered the negress and her child to the vendee, who has declared himself satisfied because he has seen and examined them. However, the purchaser makes reservations concerning certain maladies, which, according to law, would invalidate this sale. The interested parties have agreed to all of the abovesaid and have signed. Mauricio O'Connor alone signs this copy. Below is written: The present copy, which conforms to the original, was drawn up on this ninth day of December of one thousand seven hundred and eighty three, and has been sent to Verloin Degruise. (Signed) Mauricio O'Connor.

Joseph Verloin Degruise, resident of the German Coast, petitions to say that as it appears from the foregoing document, duly presented, he purchased from Mr. Guaquer (Pierre Walker) a negress, Maria, and her son, as sound of health and without faults, but he now finds that this woman suffers from a heart ailment, and because of this malady, according to law, he can bring redhibitory action. Therefore he prays the Court for a Writ of Despatch, issued in due form and sent to Mr. Mauricio O'Connor, Commander at the said German Coast, so that he may receive the testimony of the witnesses he will present, and done order all records delivered to him, so that he may use them to enforce what will be convenient to his rights.

Governor Miro, on Assessor Postigo's advice, decrees: Issue the necessary Despatch so that the Commander at the German Coast may receive the testimony that this party offers, and done let the records be delivered to him. New Orleans, December 11, 1783. (Signed) Miro and Postigo.

[NOTE: The case ends here. If a Writ was ever issued and the testimony taken at the German Coast, the papers were never filed with this suit.—L.L.P.]

December 10.

Proceedings brought by Santiago Mather against Mr. Chapron to collect a debt.

The plaintiff presents 4 exhibits. The first is a statement of the several amounts Mr. Chapron owes Morgan & Mather, totaling 709 pesos 3 reales. Itemized it reads:

No. 3354. 12 pp.	May 17, For 1 piece of white cloth	50 ^P	
Court of Governor Esteban Miro.	Your note for the hire of negroes	56	7 ^R
Assessor, Juan del Postigo.	Your note for Mrs. Lesassier	222	2
	Your note to Mr. Ross..	380	2
		<hr/>	
		709	3

Escribano, Fernando Rodriguez.

This simple suit to collect a debt is complicated by the fact that the creditor has no legal proof to substantiate a part of his claim, and the debtor insists that that part of the debt had been previously paid. The controversy was apparently settled out of court, and nearly four years later the Escribano collects the cost of the original suit.

The second is a note good for 222 piastres 2 escalins, that Chapron will pay to Mr. Mather, or his order, for a like sum that he has given the undersigned to receive from Mrs. Lesassier. Dated New Orleans, August 22, 1782. (Signed) Chapron.

The third is Mr. Chapron's note for 62½ piastres (62 pesos 4 reales) that he will pay to Mr. Mather, or his order, for freight for hauling 1000 planks, at the rate of 1 pecalion each. Dated New Orleans, June 28, 1782. Written across the back of this note is: Received on account for the amount on the other side, 5 piastres 5 escalins to be deducted for the use of 3 of Mr. Chapron's negroes who have worked three days on the boat, at the rate of 5 escalins a day for each slave.

The fourth exhibit reads: In three months from this day I promise to pay bearer the sum of 380 piastres 2 escalins for value received. New Orleans, May 1, 1782. Witness James Mather. (Signed) Chapron.

The next entry is Santiago Mather's petition, averring that it is evident from the documents, or papers, which he duly presents, that Mr. Chapron is indebted to him for 659 pesos. He prays to have him ordered to swear and declare whether he owes this sum, and done deliver his declaration and the notes to the petitioner. In a secondary request, he states that Mr. Chapron also owes him an additional 50 pesos, but he has no paper to accredit this debt. He prays that his opponent be ordered to declare whether it is true that he owes this amount. [NOTE: Apparently this 50 pesos is for the first item in the statement, namely, the 1 piece of white cloth.—L.L.P.] Governor Miro, on Assessor Postigo's advice, rules: The notes having been presented, let the defendant swear and declare as requested; and as regards the secondary petition, as it is prayed.

The Escribano administers the oath to Mr. Chapron, and upon showing him the notes he declares the signatures are his and that he owes the amount specified, but he does not owe the additional 50 pesos, because he has already paid it.

Santiago Mather then petitions to say that it is evident, from the declaration, the defendant owes him 659 pesos, therefore he prays for a Writ of Execution against his person and estate, and he swears by Our Lord and a Sign of the Cross, in conformity to law, that the above named sum is due him. In a secondary request, he says Mr. Chapron has declared that he did owe the abovesaid 50 pesos, but he has not proven that he has paid it as he claims. Therefore, may it please the Court to issue a Writ of Execution for the collection of this amount as well.

Governor Miro, on Assessor Postigo's advice, decrees: In the city of New Orleans, on December 11, 1783, Señor Don Esteban Miro, Colonel of the Fixed Royal Armies of this Place, having seen these records, he said he must and does order a Writ of Execution issued against the person and estate of Santiago Chapron for the sum of 709 pesos (and 3 reales), the one-tenth and costs, caused or that may be caused up to the real and effective payment, for this is his decision, thus he has ordered and signed. Fees 2 pesos. A marginal note specifies that the writ which was ordered has been issued and delivered to the Deputy Sheriff. Fernando Rodriguez attests to the above note.

The Writ reads: Let the Sheriff, or his Deputy, request Santiago Chapron to pay, at once, to Santiago Mather, the sum of 709 pesos, and if he does not do so immediately, take execution against his person and estate sufficient to satisfy the sum mentioned in the decree rendered this day. Thus I have ordered. New Orleans, December 12, 1783. Signed by Estevan Miro. By order of His Lordship. (Signed) Fernando Rodriguez. Nicolas Fromentin reports, that with the foregoing Writ of Execution he requested Santiago Chapron to pay Santiago Mather, at once, the amount mentioned, and he answered he would do so immediately. In testimony whereof he sets this down as a matter of record. The Escribano attests to the Deputy Sheriff's report.

On December 15, 1783, Santiago Mather again petitions to say it has pleased the Court to issue a Writ of Execution against the person and estate of Santiago Chapron, and considering the latter has gone to his plantation after deceiving the Deputy Sheriff by telling him he has compromised his debt with the plaintiff, he prays the Court to order the Sheriff to go to Chapron's house and to seize a sufficient amount of his property to satisfy the sum due. The decree to this demand reads: As it is prayed. Assessor Postigo signed. The Governor fails to do so, although the certification to this ruling stipulates that the decision was rendered by him.

Nothing further is done until July 21, 1787, when Fernando Rodriguez, Clerk of the Court, petitions to say that Santiago Mather has prosecuted a suit against Mr. Chapron, before him, to collect a debt. He prays to have a taxation of costs drawn up

and paid by whomsoever may be responsible for them. The Governor, on the Assessor's advice, rules: As it is prayed.

Luis Lioteau, Public Taxer, is notified, accepts and takes oath by God, Our Lord and a Sign of the Cross, to proceed well and faithfully with the taxation, which he fixes at 11 pesos, on July 21, 1787.

[NOTE: Since the case is closed by taxation of costs, although the Second Writ of Execution is neither issued nor served, it may be supposed that the litigants settled their case out of Court. However there is nothing in the record to this effect.—L.L.P.]

December 13.

Proceedings brought by Pedro Miraval to prove that he resides in this city and is in business here.

No. 27. 7 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo

Escribano, Rafael Perdomo.

This case illustrates the legal procedure involved in proving residence or citizenship in Spanish Louisiana, so as to enable the merchant petitioner to take advantage of the special privileges conferred by Spanish law upon merchants of the colony.

Pedro Miraval, living in New Orleans, petitions to state that it is convenient to him to prove his residence and occupation here, so as to obtain the privileges His Majesty has deigned to concede to persons of this class in the Province. Therefore, in order to make his citizenship evident, he prays to be permitted to present witnesses, who will swear and declare whether it is true and known to them that he is a denizen of this city, and is engaged in business here, and that as such he is received among the other subjects who trade in the said Mart. Esteban Miro, on Juan del Postigo's advice, decrees: Let the testimony that this party offers be admitted.

Entrust the taking of the evidence to the Escribano, and done return the matter to the Court.

The witnesses are Juan Andres Verdaley, Luis Domingo Beltremieux, Juan Bautista Petaben (Signed: A. Peytavin), Nicolas Reynaud, and Juan Bautista Labatut. Each in a separate declaration sets forth that he has known, traded with and enjoyed the friendship of Pedro Miraval for many years, and that he has always taken part and takes part in the commerce of the city and is also a resident here, and as such has been received among the other merchants.

Pedro Miraval petitions again, this time to set forth that the records of the case have been delivered to him, together with the testimony given at his instance that it has pleased the Court to receive, and as a result he has proven his claim to citizenship as presented in his first petition; therefore he prays to have it

declared legitimate and valid in all its parts, and to order the Escribano to provide him with a full copy of these proceedings, authorized in public form in a way that may have credit, and he will promptly pay all just and due fees. Governor Miro, on Juan del Postigo's advice, decrees: Considering the testimony given for Pedro Miraval, let him be declared a resident of this city, and as such he may enjoy the favors and privileges that are conceded to all citizens. Fees 2 pesos.

The petitioner, in a last request, avers that, although he asked the present Escribano to give him a certified copy of these proceedings, the latter was not reminded, at the time, to declare the testimony he has produced legitimate, and presupposing the abovesaid, he prays the Court to order Rafael Perdomo to provide him with the said copy under the conditions he has requested. Governor Miro rules: As it is prayed.

A marginal note specifies that, dated this day, Rafael Perdomo attests he has made the authentic copy that was demanded and delivered it to the party.

The last entry is a taxation of costs, amounting to 11 pesos 2 reales. This is drawn up by Rafael Perdomo, on December 21, 1783.

December 15.

Executory Process. Vizente Gonzales vs. Mr. Quturie (Couturier), to collect a debt.

No. 4. 3 pp.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

Escribano, Rafael Perdomo.

This simple suit to collect a debt is interesting to the student of the economic history of Spanish Louisiana for the prices of the merchandise involved in the suit. The proceedings as here given are incomplete.

The plaintiff presents a bill written in French, which reads:

Mr. Couturier owes Mr. Mather, delivered from Mr. Marcos' house:

1 piece of Irish linen of 19	
ells at 6 escalins an ell	14..2
2 pieces of heavy linen at	
10 pesos the piece	20
	<hr/>
	34..2

All goods to be paid for during the current month of August. New Orleans, June 17, 1783. (Signed) Couturier. Written across the back: 34 pesos 2 reales. Mr. Couturier must pay to the order of Mr. Vincente (Gonzales). (Signed) James Mather.

Vicente Gonzales then petitions to say it is evident from the document, or paper, duly presented, endorsed in his favor by Mr. Mather, that Mr. Quturie (Couturier) owes him 34 pesos 2

reales, and although he has asked him to pay his debt he has been unable to obtain his money. Therefore he prays to have him acknowledge, swear and declare whether he owes the amount specified, and done deliver his declaration to the plaintiff. Alcalde de Reggio rules: The obligation having been delivered, let it be translated into Spanish by Juan Josef Duforest. In order to do so he must accept and take oath, and done the defendant must acknowledge, swear and declare as requested. The taking of this declaration will be entrusted to the Escribano, and done let it be delivered to the plaintiff.

Juan Josef Duforest is notified, qualifies and makes the required translation. This ends the record, which is unfinished.

December 16.

Lazaro Estardy vs. Francisco Durcy, to force payment on real property, or return it to the vendor.

No. 3. 22 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This suit illustrates the legal procedure involved in forcing payment of a balance due on a sale of real estate, which the purchaser is apparently holding for a rise in price, hoping to realize a profit in addition to the balance due on it. When the property is finally sold at public auction, it is bid in by the original purchaser.

The first document entered in this suit is a certified copy of an Act of Sale, by which Lazaro Estardy sells to Francisco Durcy an Isla, Island (Square of Ground), made up of 12 lots, more or less, forming the corner of Burgundy and Hospital streets, adjoined on one side by the Guard-Room of the Bayou Gate, and at the back it has a frontage on the Rampart, or stockade of the city, and unappropriated lands. He bought this square with its various edifices from Santiago Chapron, by written act drawn up before the present Escribano, July 5 of this year (1780). The vendor sells the Island to the vendee as is, because the buildings have suffered some damage from the hurricane of the 24th of last August (1780).

Mr. Durcy has seen and examined everything. This sale is made free of all liens and mortgages, as the present Escribano, annotator of mortgages, has testified, and is for 2400 pesos. Of this amount he has to pay 1400 pesos at the end of this year and the remainder within one year, beginning to run from this day. Mr. Estardy declares that the selling price is the just and true value of the island. For the Security of this sale the purchaser mortgages all his present and future estate, and particularly the island, which he agrees not to sell nor alienate until the conditions of payment have been complied with. This Act of Sale was drawn up before Leonardo Mazange, in New Orleans, September 18, 1780.

Lazaro Estardy presents the above and petitions to say that, as it appears from the certified copy which accompanies this, he sold to Francisco Durcy a square of ground for 2400 pesos. He was to pay this amount in two installments, the first, 1400 pesos, at the end of 1780, and the remainder within the year following. The vendee has made the first payment only, but not the second, which should have been paid at date of maturity, therefore he prays for a Writ of Execution against any or all of Francisco Durcy's property, and particularly against the said island, in virtue of the mortgage he holds upon it, besides its one-tenth and costs. Governor Miro receives this petition and later, on Postigo's advice, decrees: Having seen the records, His Lordship says he must order and does order the Writ of Execution issued against the person and estate of Francisco Durcy for the sum of 1000 pesos, its one-tenth and costs, caused or to be caused until the real and effective payment. Fees 2 pesos. (Signed) Esteban Miro; Licenciado Postigo.

A marginal note stipulates that the Writ of Execution which was ordered has been issued and delivered to the party. Perdomo attests to the above statement.

The Writ.

Let the Sheriff, or in his place the Deputy Sheriff, request Francisco Durcy, resident of this city, to pay Lazaro Estardy, of the same vicinity, the sum of 1000 pesos, and if he does not pay, immediately, the stipulated amount, its one-tenth and costs, take execution against any or all of the said Durcy's property, particularly against the real estate affected, making a formal seizure of it. The square of ground must then be placed in charge of the General Receiver, in accordance with the decree rendered, dated this day. Thus it has been ordered. (Signed) Esteban Miro.

Nicolas Fromentin reports to the Court.

In the city of New Orleans, before the Escribano, appeared Nicolas Fromentin, Deputy Sheriff of this city, who said that, pursuant to the Writ on the reverse side of this page, he went to Francisco Durcy's dwelling house, situated at the Bayou Gate, to notify him of the decree and to take execution as the said Writ provides. He answered that he would promptly pay what is claimed, but his creditor must wait until he has disposed of the house and lot, by sale, as well as the real estate affected. In consequence of this promise, he did not seize anything, but left the Writ open to be carried into effect when suitable. The Deputy asked to have this set down as the defendant's answer. (Signed) N. Fromentin. This report is attested to by Rafael Perdomo.

The Defendant answers the suit.

Francisco Durcy then answers this suit with a petition, wherein he avers that Nicolas Fromentin, Deputy Sheriff, with a Writ of Execution, has requested him to pay Lazaro Estardy the 1000 pesos he owes as a final payment on the island he bought from him and upon which he has given a mortgage for the security of this amount. Regarding this transaction, the vendor had given his full consent to have the public calls made for the sale so as to settle with him from the funds realized, as may be proven from these calls which were given by the town crier in the public places of this city, before Fernando Rodriguez. He begs leave to remind His Lordship of the malice and lack of confidence with which Mr. Estardy has proceeded against him, whereas his own conduct has been above reproach. He has never violated the tenets of good faith, and in this same spirit he has arranged for the sale of the island, intending to pay for it from the funds realized. He prays the Court to order the auction held and to adjudicate the lots to the highest bidder, the sale to be called according to legal requirements, with the full conditions stipulated, namely, that the said sale must bring 3000 pesos, 1500 pesos in cash to satisfy the plaintiff and the other 1500 remaining to be paid one year from the date of sale, the purchaser to give bond for the security of payment. On the other hand, should the island be sold for cash, the result would be gravely prejudicial to him, and, as the one-half will be sufficient to liquidate his debt, he protests against the sale being made in any way other than under the conditions he has specified. Governor Miro, on Assessor Postigo's advice, rules: Petition denied. Let the Writ of Execution, that was ordered, be carried out to its full extent.

The Plaintiff asks to foreclose the mortgage.

Lazaro Estardy then petitions, stating that by the last decree it has pleased the Court to order the Writ of Execution, issued in his favor, carried into full effect. This said Writ when first issued and served was returned to the Court with the Deputy Sheriff's report that nothing had been seized, because the debtor did not have any property that could be attached, and was left open to be enforced when convenient to the plaintiff. Therefore, using the power the law grants him, he now seizes the island mortgaged in his favor, and prays Governor Miro to order it appraised by persons versed in such matters, for which purpose he appoints Joseph Adrian de la Place, Public Appraiser, to act for him, the other party to be notified to name someone to represent him within one day, with a warning that if he fails to do so one will be assigned by the Court for this purpose. Esteban Miro, on Juan del Postigo's advice, decrees: The seizure of the real property having been

made as above stated, let the appraiser Mr. Estardy has selected be appointed. He must be notified so as to accept and take oath. The other party must also be notified so that he can name his, within one day, with a warning to proceed with the appointment should he fail to act in the matter. This done, let the public calls for the sale be made as the law requires.

Adrian de la Place qualifies.

Adrian de la Place is notified, accepts and takes oath to proceed well and faithfully with the survey and appraisement of the island which he has been ordered to make, according to the best of his knowledge and understanding.

The Deputy Sheriff reports the seizure of a house and lot.

Nicolas Fromentin reports that, pursuant to the foregoing order, he served the Writ of Execution, issued December 17th, to seize Francisco Durcy's real property to collect 1000 pesos, made at Lazaro Estardy's request. He then attached and did attach, in due form of law, a house with its grounds, belonging to Mr. Durcy. This was done verbally and in the name of the others, and that at the time when the auction will be held, his own may appear among them (as bidder). (Signed) N. Fromentin, before Rafael Perdomo.

The Appraisement.

In the city of New Orleans, on January 13, 1784, pursuant to the foregoing decree, the Escribano went to Francisco Durcy's house, situated on the Bayou, accompanied by Joseph Adrian de la Place, Public Appraiser, named by this Tribunal to place a value upon the said house, and having examined and measured it, he said according to his judgment he estimated and did estimate the house and lot at 2800 pesos, and in testimony whereof he sets this down as a matter of record. (Signed) Adrian Joseph de la Place, before Rafael Perdomo.

The three Public Calls for the Sale.

The estimation is followed by the three Public Calls, made by the Escribano at the doors of his office. These are given January 13, 22, and 31, 1784.

The Plaintiff petitions for a Writ of Citation.

Then the Plaintiff petitions to say that Durcy did not appear at the Escribano's Office to be made acquainted with the decree issued by this Tribunal, and by this delay and because of an accumulation of business in Rafael Perdomo's office, he has been prevented from filing Mr. Durcy's petition, which has retarded the course of this proceeding; therefore, bearing in mind the justice of His Lordship, he prays to have his opponent notified by a Writ of Citation to confer his

Procuration upon one of the Procuradores del Numero, properly qualified, so that through him this suit may be concluded, with a warning that if he does not obey they will proceed without him until the definitive judgment. Governor Miro, on Assessor Postigo's advice, rules: As it is prayed.

The Writ of Citation is issued.

A marginal note stipulates that the Writ of Citation which was ordered has been issued and delivered to the party, to which the Escribano attests.

The Writ of Citation.

The Writ reads: By decree of this day, it is ordered that Francisco Durcy be notified that within one day he must appear in the present Escribano's Office, to confer his Power of Attorney upon one of the Procuradores del Numero, properly qualified to act for him, with a warning that if he does not do so they will proceed without him until the definitive judgment. New Orleans, January 15, 1784. By Order of His Lordship. (Signed) Rafael Perdomo, Escribano Publico.

The Writ of Citation is served.

Nicolas Fromentin reports that, pursuant to the above writ, he went to Francisco Durcy's dwelling house for the purpose of notifying him of its contents, and he answered that he would obey the order at once. New Orleans, January 15, 1784. (Signed) N. Fromentin.

The plaintiff petitions for the sale of the real property that was seized.

Lazaro Estardy petitions to say that the time for making the public calls has passed, therefore he prays to cite Mr. Durcy for the sale, and done warn him that he must pay in full, within three days, or give a legitimate reason for holding back the sale of the said real property that has been seized. Esteban Miro, on Juan del Postigo's advice, rules: Let him be cited, in the usual way, for the auction sale of the above mentioned real property.

Mr. Estardy asks to have the day assigned for the sale.

The plaintiff then petitions, saying his opponent has been cited for the auction, and as he has not offered any opposition, within the period assigned for such purposes, and as this time has passed, he prays the Court to order the auction held so that he may obtain the payment due him. The Governor, on the Assessor's advice, receives this petition and later decrees: In the law suit and Executory Process which has pended and is pending before him, between Lazaro Estardy, plaintiff, and Francisco Durcy, defendant, for the sum of 1000 pesos that the latter has acknowledged he owes, by written act executed before Leonardo Mazange, September 18, 1780, a certified copy of same is filed with these proceedings,

together with all the rest included in it. Whereas, attentive to the merits and records of this case, to which Governor Miro refers when necessary, he says he must order and does order the real property seized on the Writ of Execution, previously issued, sold at Public Auction, and from its proceeds pay the full amount of the 1000 pesos to the said Estardy, besides costs caused, or that may be caused. He further adds that the said plaintiff must give a forthcoming bond, according to the Law of Toledo. For this is his sentence, and thus he has pronounced, ordered and signed. (Signed) Esteban Miro; Licenciado Postigo.

The Auction Sale.

In New Orleans, on March 1, 1784, pursuant to the foregoing decree, the Escribano standing in his Public Office, Francisco Durcy present, the public town crier, in a loud, distinct voice proclaimed the sale of the island belonging to the said Durcy, saying: Who will make a bid for the island, mentioned above, situated on the Bayou, let him come forward and his bid will be received, as this sale must be made for the highest cash bid. Alexander Boré was the first to appear. He offered 1000 pesos. The next was Andres Bernal, who bid 1500 pesos. The following offer of 1650 pesos was made by Francisco Durcy. This bid was accepted and was ordered cried, but no one outbid Durcy. Then the bell rang for mid-day, without any other offer having been made, and the sale was then suspended, to be continued when a petition would be presented for same. This ends the proceeding, which is therefore unfinished.

December 16.

Executory Process. Juan Bautista Mercier vs. Pedro Villamil, to collect a debt.

No. 82. 18 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This case illustrates the legal procedure involved in collecting a debt by executory process, and also the method of enforcing payment of costs of court.

The record opens with a certified copy of a Notarial Act, dated December 1, 1783, by which Juan Bautista Mercier confers his Power of Attorney upon Francisco Broutin, authorizing him to represent the grantor's interests, in his capacity, as testamentary executor of the late Francisca Plazan, to settle her estate, and principally to collect all outstanding debts due the succession for the purchase of slaves sold at public auction.

Francisco Broutin, acting for Juan B. Mercier, petitions to say that Pedro Villamil owes the Francisca Plazan estate 460 pesos, as a final payment on a ngress, Juana, and her son, Antonio, bought at public auction

when the decedent's effects were sold. The vendee has already paid 500 pesos, as appears from a receipt issued to him, and in order to prove the legitimacy of this debt, he prays the Court to order the present Escribano to deliver to him a certified copy of the sale of the Plazan estate, held May 27, 1782. Esteban Miro, on Juan del Postigo's advice, rules: As it is prayed.

The certified copy of the auction sale reads, in part: In the city of New Orleans, on May 27, 1782, Junior Alcalde Guido Dufossat went to the dwelling house of Francisca Plazan, widow of Salomon Prevost (Juan B. Prevost), to continue the sale of her effects, which was made in the presence of the Escribano, at whose request the town crier offered, by word of mouth, various slaves belonging to the said estate. Among the bidders was Pedro Villamil, who offered and had adjudicated to him Juana and her son, Antonio, for 960 pesos.

The plaintiff then petitions to say that as it appears from the certified copy, duly presented, the amount specified is due, therefore by executory law which is favorable to him, he prays for a Writ of Execution against the negress and her son, the one-tenth of their value and costs, and that these slaves when seized be sold to pay what remains due on them and for costs of these proceedings. Governor Miro, on Assessor Postigo's advice, receives this petition and later decrees: In the city of New Orleans, on December 17, 1783, Governor Miro, upon seeing the records of this case, said: He must order and does order a Writ of Execution issued against the person and estate of Pedro Villamil for the sum of 470 pesos (460), its one-tenth and costs caused or that may be caused up to the real and effective payment. This is his decree, thus he has provided and ordered. Fees 2 pesos. (Signed) Estevan Miro; Licenciado Postigo.

A marginal note stipulates that the Writ of Execution which was ordered has been issued and delivered to the party. To which the Escribano attests.

The Writ of Execution reads: Let the Sheriff, or in his place the Deputy Sheriff, request Pedro Villamil to pay the amount specified, at once, and if he does not pay this sum, its one-tenth and costs, take execution against all or any of his property, making a formal seizure of it, which must be placed in charge of the General Receiver.

Nicolas Fromentin appears before the Escribano to report that, pursuant to the Writ on the reverse side of this page, he went to Pedro Villamil's dwelling house to inform him of its contents. There was nothing to seize, so the Deputy Sheriff left this Writ open, until a further request will be made to have it carried into effect. (Signed) N. Fromentin. Before Rafael Perdomo.

Juan B. Mercier petitions again, this time to say that the Writ of Execution issued against the person and estate of the defendant was served, but the Deputy Sheriff found nothing to attach. Therefore he prays for the seizure of the negress and her son, now leased to Juan Pomet, by Mr. Villamil. The Governor, on the Assessor's advice, rules: Let the seizure be made of the property this party mentions.

On January 14, 1784, the plaintiff presents another petition to state that after Mr. Villamil was served with a Writ of Execution he paid the principal, but not the costs, nor the one-tenth (Sheriff's fees), because this Tribunal failed to include them in the Writ, according to what the Present Escribano has declared. Therefore, in order to finish this suit, he prays to decree as may be considered just in this particular, and at the same time directing that a taxation of costs be made, to be paid by the one who will be condemned to do so. Esteban Miro, on Juan del Postigo's advice, rules: Petition denied, for the payment of the one-tenth (Sheriff's fees), by virtue of his having satisfied the debt within the time provided by law. Let a taxation of costs be made and paid by the said Pedro Villamil, and entrust the adjustment of the said taxes to the Escribano Publico.

On January 21, 1784, Juan B. Mercier makes his last request, which is to the effect that his opponent has paid everything except costs, as he has been condemned to do, and, although he has been notified and requested to pay same by the Escribano, he has failed to obey the Court's decree, therefore he prays for an order to seize one of the defendant's slaves, who must be placed in the Public Prison of this city at the owner's expense until the said costs are paid. Esteban Miro, on Juan del Postigo's advice, rules: Notify Pedro Villamil that within three days he must pay costs.

Costs are taxed by Luis Lioteau at 16 pesos 1 real, on August 14, 1784.

December 18.

Proceedings brought by Mariana Olivier, to be granted a permit to sell various pieces of furniture at Public Auction.

No. 53. 25 pp.

Court of Governor Esteban Miro.

Mariana Olivier presents herself before Governor Miro to set forth that her husband, Salvador Conile, has died, and she has made up her mind to sell all of her effects at public auction, then with the proceeds from same to settle in the city of Havana, where she has been hoping to go for some time. She thinks that it will be of greater benefit to her children to sell and thereby increase their estate. Therefore

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This case illustrates the legal procedure involved in disposing at public auction of the real and personal property belonging to a succession. The list of items of household and personal effects and the prices at which they sold are of interest to the student of the economic and social history of Spanish Louisiana.

she prays for a permit to alienate the said property in the way she has explained, conferring the necessary commission upon the present Escribano to assist at the sale. The Governor, on the Assessor's advice, rules: Concede this party the permit for the sale of her property, which must be held with the assistance of Rafael Perdomo, Escribano del Numero.

The three public calls are made December 18, 17 (19), and 29, 1783. Then Mariana Olivier prays to have a day assigned for the auction. The ruling reads: Since the public calls have been made, as the law requires, let the 2nd of next January, 1784, be assigned as the day for holding the auction, the Escribano to be entrusted with these proceedings.

On the day above specified the Escribano went to Maria Ana Olivier's house to hold an auction sale. The items offered are as follows: 1 large cedar table sold to Mr. Pertui for 10 pesos; 1 round table went to Mr. Lalanda for 5 pesos 4 reales; 1 old easy chair adjudicated to Mr. Lutille for 4 pesos 4 reales; 4 pictures sold to Ambrosio Liebana for 1 pesos 4 reales; 10 other pictures bid in by Esteban Quiñones for 36 pesos; 1 dozen chairs went to Francisco Carcasses for 14 pesos 4 reales; 1 large mirror sold to Esteban Guache for 16 pesos 4 reales; 1 mantel-piece mirror went to Esteban Quiñones for 15 pesos 4 reales; 2 large crystal shades and 2 plated candlesticks sold to Mr. Durel for 19 pesos; 2 crystal bottles and 3 large glasses adjudicated to Mr. Bernat for 14 pesos; 1 little cypress table went to Andres Mercenario for 6 pesos. At this point the bell rang for mid-day, and the sale was suspended until later.

The auction was resumed in the afternoon of the same day, when the crier offered 1 side saddle, adjudicated to Mr. Suriray for 16 pesos; 4 blue-striped cotton curtains sold to Andres Mercenario for 10 pesos; 1 flat iron went to Mr. Arluien for 4 pesos; 12 old table knives sold to Mr. Lutillet (Dutillet) for 3 pesos; 1 white mosquito bar was bid in by Andres Mercenario for 11 pesos; 5 metal candlesticks sold to Andres Mercenario for 5 pesos; 2 large earthenware water jars went to Mr. Cornui for 28 pesos 4 reales; 1 calico quilt and 1 curtain adjudicated to Jose Ocon for 5 pesos 4 reales; 2 caldrons and 1 stone mortar without its pestle sold to Mr. Lalande for 4 pesos; 1 pair of pistols went to Francisco Navarro for 5 pesos; 1 coffee-pot and 2 china dishes were bid in by Vicente Marchar for 2 pesos 2 reales; 2 pieces of timber adjudicated to Mr. Lalande for 8 pesos. The sale is now suspended for the day.

On January 3, 1784, it is resumed. The first article to be offered is 1 large earthen jar to churn butter which went to Mr. Mercenario for 7 pesos 4 reales; 2 white curtains were sold to Andres Mercenario for 3 pesos 4 reales; 1 sacque with its calico skirt went to Mr. Mercenario for 6 pesos; the same, with its skirt, sold to Andres Mercenario for 4 pesos; item, the same, to Mr. Mercenario for 4 pesos; another, the same, adjudicated to Mr. Mercenario for 8 pesos; another, without its coat, adjudicated to Mr. Mercenario for 3 pesos 4 reales. The sale is suspended because the noon bell rang.

The auction was resumed in the afternoon, when the town crier offered 1 skirt with a coat, which went to Andres Mercenario for 4 pesos 4 reales; another, the same, to Andres Mercenario for 4 pesos 4 reales; 2 pairs of fetters for horses, sold to Mr. Mercenario for 1 peso; 200 pelts went to Andres Mercenario for 160 pesos; 1 armoire bid in by Mr. Mercenario for 4 pesos. The sale ends because there are no other effects to offer.

On January 4, 1784, the house is put up for sale at auction on the premises. It is described as forming the corner of San Felipe and Conde, adjoined on one side by Henrique Derneville's real property and on the other by that of Estevan Lanquier. The house offered must be paid for within 3 months from date of sale, and although the offer was made several times there were no bids, and as the bell then rang for mid-day the proceedings were suspended.

On January 7, 1784, the sale of the house is resumed, when the Escribano, in the presence of Maria Ana Olivier, again offers it through the voice of the town crier, under the conditions stated above. This time the bidding does not take place on the premises, but from the doors of the Escribano's Office. Antonio Ramis bids 800 pesos, to be paid within three months, dated from this day. Luis Touton Beauregard offers 850 pesos; Marcos Olivares offers 1000 pesos; Zenon Trudeau, Captain of the Regiment of Infantry of this Place, bids 2000 hard pesos, and as this is the highest bid the house is adjudicated to him. The purchaser signed, but not the vendor, because she said she did not know how to write. Neither sign this copy, which is drawn up before Rafael Perdomo. The record ends here and is therefore unfinished.

December 18.

Proceedings brought by Carlos Lajonchere Daunois against the estate of Carlos Phelipe Favre Daunois, his late brother, to collect a debt.

The first petition presented in this record reads: Pedro Bertonière, Curator ad lites to the minor children of the late Carlos Favre Daunois, in the suit brought by the Concursus of his Creditors, answering one brought by the mulatto, Luis, he says: That it

No. 3351. 11 pp.

Court of Alcalde Francisco
Jose Le Bretton D'Orgenois.

No Assessor.

Escribano not named.

This suit to collect a debt due by a succession is complicated by the manner in which some of the heirs to an earlier succession in the same family had disposed of their interests to some of the other heirs of the earlier succession.

seems to the widow of the deceased that the amount claimed is due for the said Luis' wages as overseer on the plantation. This may be proven from Nicolas Daunois' declaration and also from a statement made by the mulatto, and since this debt is due from the decedent's estate, may it please the Court, in justice and upon the merits of the case, to order what may be according to law, as he is willing to pay the sum demanded. Alcalde Le Bretton rules to send the above petition to the widow. There is no date to either this request or the ruling.

The next entry is a petition presented by Carlos Lajonchere Daunois, who says that it appears from the copy of the Act, duly filed, that the late Carlos Philipe Daunois, his brother, owes him 445 pesos which has not been paid, therefore he prays the Court to order his estate to pay him the amount mentioned. Francisco Jose Le Bretton decrees: The copy mentioned, having been presented, let the above petition be received for a future ruling.

The certified copy cited, filed here, reads, in part: That in the city of New Orleans, on November 18, 1777, before the undersigned Escribano and witnesses, Carlos Lajonchere Daunois sells to Carlos Phelipe Favre Daunois, the one-third part which belongs to him in Conception Plantation; this includes lands, edifices, and everything appertaining to it; the vendor's share comes to him from his legitimate paternal inheritance and because he has acquired the interests of his sister, Cecilia Daunois, wife of Carlos Joseph Lopinot, with a mortgage in her favor until the full amount is paid for what is due to her by all the heirs. And besides he sells to his brothers his share in the lands that remain undivided, adjoining Antonio Tomasin's real property on one side and the above named Conception Plantation on the other, all for 2800 pesos, which Carlos Phelipe Favre Daunois and Nicolas Daunois have agreed to pay in the following manner, 1400 pesos at the end of 1778 and the remaining 1400 pesos at the end of 1779.

Carlos Lajonchere Daunois then petitions to say that as it appears from the copy of the written act, duly presented, his brother, the late Carlos Felipe Daunois, owes him 445 pesos which he never paid, therefore he prays the Court to order his estate to pay the sum specified. Alcalde Le Bretton decrees: The document this party mentions having been presented, let his petition be received for future ruling.

On December 19, 1783, Francisco Jose Le Bretton rules: Let the petitioner be paid from the product of the estate of the late Carlos Favre Daunois the sum of 445 pesos, which is due this party as a remainder of what was owed to him by the deceased, in conformity to the obligation presented.

The record ends here and is therefore unfinished.

[See Succession of Carlos Favre Daunois, *Louisiana Historical Quarterly*, Vol. 15, No. 1, page 157.]

December 19.

Marine Protest.

**Proceedings brought by Jayme Good, Captain of the Hooker, named the Dorotea Carlota, vs. Lucas de Villae-
scusa of the city of Havana.**

No. 68. 22 pp.

Court of Intendant Martin Navarro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This case illustrates the legal steps taken by the master of a ship to protect himself against possible actions for damages by a pilot employed in Havana to navigate the ship to New Orleans, said pilot not having boarded the ship prior to its departure from Havana, although a part of his wages for the voyage had been advanced and his trunk and personal belongings had already been placed on board the ship. The inventory of the personal effects of the pilot affords an interesting glimpse of the possessions of such a seafaring man of that period. The case was brought in the Court of the Intendant, who had jurisdiction over all maritime and commercial matters.

The record opens with a certified copy of a Marine Protest, dated New Orleans, December 18, 1783, and is to the effect that before the Escribano and witnesses, appeared Jayme Good, a resident of this city, Second Captain of the Hooker, Carlota Dorotea, now anchored at the levee, who states that some days before the ship sailed from Havana for New Orleans, Luis Sulzar, its Captain and Pilot, found he would be unable to make the voyage because his own affairs prevented his departure from Cuba. He was informed that Lucas de Villaescusa, of Havana, was a person competent to navigate the ship. Mr. Sulzar entered into a contract with him to sail, as Pilot, for 150 pesos, of which he received 100 pesos cash. On the 2nd of last November Luis Sulzar notified Lucas Villaescusa to be ready to clear the following day. In the certainty that he would make the prearranged voyage, he came on board, with his assistant, Antonio Selbera,

bringing with him his trunk and other necessities for his own use. He told his aid to remain on the vessel to take care of his luggage, then he jumped on land, saying he would return immediately. On the following day, November 3rd, seeing they would lose a favorable tide for sailing if they did not leave at once, he notified the Pilot, a second time, that he must come on board without the least delay. This he did not do, nor did he pay any attention to the signs made to him by his aid and

others on the boat. In the interval they had gotten under sail and had passed beyond Morro Point, and Villaescusa was then standing on Cavalry Pier attending to his manoeuvres. There were any number of launches at that pier that he could have hired to take him to the Carlota Dorotea, had he wished to leave, and as he has already said, by this time they were beyond the Point, and having no hope that their Pilot would come to the ship, he continued the voyage until he reached this city yesterday. In virtue of which and because of the well founded reasons that he has given, proving the negligence of the said Villaescusa, he protests for the first, second, third, and as many times as the law requires, so that in consequence thereof all damages, arrears, prejudices and losses that have been caused and that may be occasioned in the future will not be charged to his risk and account. Thus he has drawn up this Protest and signed it. The witnesses were Francisco Carcasses and Manuel Monrroy, residents of this city. Signed Jayme Good. Before Rafael Perdomo.

Captain Good petitions to present his Protest.

Jayme Good, Captain of the Hooker, Carlota Dorotea, petitions to set forth that, as may be proven from his certified copy of Protest, here attached, Lucas Villaescusa, resident of Havana, deliberately and maliciously neglected to sail from the above named city, after 100 pesos had been advanced to him, and by his negligence has given cause for irreparable prejudices. Therefore, may it please the Court to pass sentence so that he will not at any time be held responsible for any losses or prejudices that may be caused upon this particular, to which he has referred, and also to receive the testimony of the witnesses he will present, who must take oath in due form, under penalty of the law, and without delay, so as to give evidence upon the essentials of his Protest, the taking of their depositions to be entrusted to the Escribano, and done deliver their declarations to him to be used to promote what may be convenient to him. Intendant Navarro, on Assessor Postigo's advice, decrees: Considering the Protest, let the testimony that this party offers be received, the taking of it to be entrusted to the present Escribano, and done deliver the depositions to the petitioner.

The witnesses give their testimony.

The witnesses Jayme Good offers are Juan Jayme, Quartermaster, Juan Bautista Lacre, Pilot, and Antonio Selvera (Cervera), who calls himself a passenger, who, each in a separate declaration, set forth that Luis Sulzar, Captain of the Hooker, some days before their departure from Havana for New Orleans, entered into a contract with Lucas Villaescusa, resident of that

city, to act as Pilot of his ship, which he agreed to do. He and Mr. Sulzar fixed the salary at 150 pesos for the trip. On the 3rd of last November, they saw the said Pilot come on board, bringing with him Antonio Salvera, his assistant, and at the same time he brought his trunk and other effects. He charged his said aid, whom he had left on the vessel, to take care of his luggage, and immediately after jumped on land, saying he would return immediately. The day following, the 4th, it became apparent to the Captain that it was time for Mr. Villaescusa to board the ship, weigh anchor and begin the voyage, and as they were of the opinion that he would certainly join them, they set sail, and observing that the said Villaescusa was still on Cavalry Pier, attending to all his manoeuvres, different persons on the boat and particularly his aid, who had remained on the ship all along and up to the present, gave various calls and signs for him to embark, which he did not do, although there were any number of launches, at the Pier, which he could have taken to reach them. The Captain, seeing his indifference, and as they were already past the Point of Morro Castle, they continued the voyage until they arrived at this Port, on the 17th of the current month.

Captain Good petitions to make an inventory of Villaescusa's effects.

Jayme Good petitions to say that the depositions of his witnesses have been delivered to him, as he requested in a previous representation, in consideration of which and for greater assurance that he has not acted through malice and that Mr. Villaescusa did embark on his ship, he prays the Court to order the present Escribano to go to the boat under his command so as to make a formal inventory of all that belongs to the said Villaescusa, and to deposit his property with some person His Lordship will find suitable, so that he may not at any time be held responsible in this matter. He further prays to have the records of the case delivered to him when the inventory will have been made. Martin Navarro, on Juan del Postigo's advice, decrees: Let the Escribano go to the ship, and with the assistance of the Assessor of this Intendancy and Auditor of this Province, make the inventory, and done deliver the records to this party.

The Inventory.

In the city of New Orleans, on the 21st of December of 1783, Juan del Postigo y Balderrama, Auditor of War and Assessor General of this Province, in virtue of the commission conferred upon him, in company with the undersigned Escribano and Juan Josef Duforest, Public Interpreter, went on board the Hooker, Carlota Dorotea, for the purpose of making an examination and inventory as was ordered by the foregoing ruling. The Auditor

requested the Captain of the said boat, by means of the Interpreter, to place all the furniture and the chest belonging to Lucas Villaescusa on manifest, and he, having done as he was commanded, they made the inventory in the following manner:

First they listed 1 half used trunk, covered with ordinary calico.

- 1 half worn shirt trimmed with cambric.
- 2 shirts, the same, badly worn.
- Another, the same, without trimming.
- 2 small epaulets.
- 1 pair of new olive colored stockings.
- 1 table-cloth and 2 well used cotton table napkins.
- 1 pair of English shoes.
- 2 white vests and 1 much worn striped vest.
- 1 pair of torn white trousers.
- 1 old linen coat.
- 1 blue dress coat and red lined vest with gold buttons.
- 1 old pair of camlet trousers.
- 1 flesh colored cotton vest, without buttons.
- 1 torn white vest.
- 1 pair of old cotton trousers.
- 7 old caps.
- 1 used handkerchief, 1 cravat and 2 stocks.
- 3 pairs of cotton stockings and 2 pairs of old white silk ones.
- 2 old white sheets with a torn pillow.
- 1 old blue woollen dress coat.
- 1 wooden handle knife and scabbard.
- 1 small looking glass.
- 2 small willow baskets and 7 logwood figures.
- 1 old telescope.
- 2 old books on navigation.
- 1 silver sword with its sword belt and metal buckle, all used.
- 1 quadrant.
- 1 cedar covered chest which contained a chocolate pot, a razor and other trifles.
- Another with a wig and an old hair bag.
- 1 small toitoise shell inlaid writing desk. It was not opened because they did not have the key.
- 2 rulers and 2 broken brushes.
- 1 old hammer without a handle.

With this last entry the proceedings were finished because the Captain said there was no movable property other than what had already been inventoried, which the Auditor ordered to remain in the keeping of the said Captain, at the disposition of this Tribunal. In virtue of this ruling he acknowledges to have

received the above named articles, and he signed, together with the Auditor and the Interpreter, to all of which the Escribano attests.

Captain Good asks for a certified copy of these proceedings and a taxation of costs.

Jayme Good avers they have delivered the records of the case to him, as he requested in his previous petition, so that he might promote what is convenient to him, and considering the evidence he has submitted has proven the truth of his charge, and that he has not acted in bad faith in this matter, and as well Mr. Villaescusa's property that was on board of his ship, as inventoried, has been placed in his keeping, may it please the Court to declare that in virtue of all of the abovesaid he may take action against the said Villaescusa, when suitable, and for its greater validation and force to interpose its authority and judicial decree. He further prays to have the present Escribano tax the costs of the case and to give him a certified copy of these proceedings, authorized in public form, and he will promptly pay all just and due fees. Intendant Navarro, on Assessor Postigo's advice, accepts this petition, and on January 16, 1784, Martin Navarro, with the same adviser, decrees: Considering the records of the case, he approves and does approve the proceedings taken at Jayme Good's request, who, in his own time, may take action against Mr. Villaescusa. For this purpose he interposes and does interpose his authority and judicial decree. This is his decision, thus he has provided and ordered. Fees 3 pesos. He further rules: Let a taxation of costs be made by the present Escribano, who is hereby entrusted with this proceeding.

A marginal note stipulates that, dated this day, he has made the certified copy, as he was ordered to do, on 32 sheets of paper, to which he attests. (Signed) Perdomo.

Taxation of costs.

Costs are taxed at 32 pesos 4 reales, on January 23, 1784, by Rafael Perdomo.

December 22.

Proceedings brought by Catalina Moran, Widow Olivier, against the succession of the late Mrs. Arnaud, to collect a debt.

No. 3357. 3 pp.

The record opens with an itemized statement, signed by Widow Olivier, for 56 pesos 4 reales, for expenses incurred during the 22 days of Mrs. Arnaud's illness. The plaintiff presents this bill and sets forth it is evident from the above that Mrs. Arnaud's succession owes her the amount specified, for what she supplied her while she was ill. Therefore she prays to be paid from the product

Courts of Alcaldes Le Bretton and de Reggio.

No Assessor.

Escribano, Fernando Rodriguez.

This suit, brought against a succession to collect a debt representing expenses incurred during the last illness of the deceased, contains nothing of particular interest.

which this succession must make with his clients has been verified, he will not offer any objections to the payment of this party's claim from the residue of the estate, in consideration of which he prays the Court to bear this representation in mind and to order what may be according to law. Alferez de Reggio receives this petition. Nothing further is done in the matter; the Olivier claim is probably adjusted in the settlement of Mrs. Arnaud's estate.

December 23.

Marine Protest.

Proceedings brought by Duncan Henderson, Captain of the Brigantine, Enterprise, to prove that the loss of a cable and anchor was not through negligence on his part.

No. 73. 16 pp.

Court of Intendant Martin Navarro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This suit, brought in the Admiralty Court presided over by the Intendant, illustrates the legal procedure necessary to protect the captain of a vessel against possible action for damages on account of the loss of an anchor and cable, through stress of weather off the mouth of the Mississippi River.

of her estate. Alcalde Le Bretton orders this petition sent to the defender of the absent heirs.

Pedro Bertonière, defender of the heirs of Francisco Arnaud, in the proceedings brought by Catalina Moran, Widow Olivier, to collect a debt from the estate of the late Agata La Croix, widow of the deceased Arnaud, answers to say that when the settlement

The certified copy of a Marine Protest is presented in the Admiralty Court presided over by Intendant General Martin Navarro, which reads, in part: In New Orleans, December 23, 1783, before the undersigned Escribano and witnesses, appeared Duncan Henderson, a resident of this city, Captain of the Brigantine, Enterprise, cleared from Xamayca (Jamaica) and anchored here, who said he sighted the Balize of this river at 6 o'clock of the morning of the 6th of the current month, where he cast anchor in 9 fathoms of water, using the large anchor for this purpose, and waited for the pilot so as to enter the Passes. At 3 in the afternoon, he observed that the sea had risen and the wind from the South-East was increasing and driving the boat in such a way that had it not been for the stability of their anchor they would have grounded. He and the other navigating officers

feared this danger, and to prevent it, dropped the other anchor, weighing 600 pounds, attached to a new hemp cable 120 fathoms long and 8 inches thick. The sea continued to rise and the wind to beat with fury against them, causing the loss of the anchor they had lately thrown overboard, together with the 120 fathoms of cable. In accordance with the above statement, the loss of the said anchor and cable was not through negligence, fault, nor malversation on his part, therefore he protests for the first, second, third, and as many times as the law permits, so that in consequence whereof the said loss will not be charged to his account and risk. Thus he drew up this Protest and signed it, the witnesses being Francisco Carcasses and Manuel Monrroy. Executed before Rafael Perdomo. (Signed) Duncan Henderson.

Duncan Henderson petitions to say that, as may be proven from the certified copy of his Protest, duly presented, he has suffered the loss of a cable and anchor which were cast during a storm. In consequence of the abovesaid, and because this loss was not through negligence, nor fault of his, he prays to be relieved of all responsibility in this matter and not to be called upon at any time to pay for the loss. He further asks to have the testimony of witnesses he will present, received, who must declare in accordance with the statements he has made in his Protest, and done deliver their declarations to him, so that he may promote whatever may be convenient to him. Intendant Navarro, on Assessor Postigo's advice, rules: Let the testimony this party offers be admitted, the taking of it to be entrusted to the Escribano, and done let the depositions of his witnesses be delivered to him.

Pages 6 to 9 are missing. The record takes up with Neil Galbreath's testimony. He states that he came from the Port of Jamaica, on the *Enterprise*, employed as a sailor. On the 6th of the current month they sighted the Balize at 6 o'clock in the morning, and while waiting for the Pilot, they cast the stream-anchor in 9 fathoms of water. At 3 o'clock in the afternoon, observing that the wind had freshened from the South-East, the sea also began rising, which caused the ship to drift towards land. In order to steady it they dropped the other anchor, attached to a new hemp cable 120 fathoms long and 8 inches thick, but the fury of the elements continued, causing them to lose the anchor they had lately cast overboard, together with the cable. The other witnesses, Daniel Ramsay and Thomas Price, sailors, corroborate this statement.

Duncan Henderson then petitions to say that the records of the case, previously requested, have been delivered to him, and considering that the testimony of his witnesses and his Protest have proven the truth of the facts set forth in his petition, may

it please the Court to declare him free of all responsibility in the matter of the loss sustained, which was through no fault, nor negligence on his part, and for its greater validation and force to interpose his authority and judicial decree. The Intendant receives this petition, and on January 23, 1784, on the Assessor's advice, renders judgment in these words: Having seen these records, Martin Navarro says that this party has given and did give sufficient evidence, and in order to prevent prejudice to him at any time, he interposes and does interpose his authority and judicial decree. For this is his sentence, thus he has decided and signed. Fees 3 pesos. (Signed) Navarro; Licenciado Postigo.

The plaintiff further petitions to state that, supposing this proceeding is now finished, he prays for a taxation of costs, to be made by the present Escribano, and that the latter be ordered to give him a certified copy of them, authorized in public form in a manner that may have credit, and he will promptly pay all just and due fees. Intendant Navarro rules: Let the costs, caused by these proceedings, be taxed by the Escribano, who must give a certified copy of them to this party, as he has requested, upon his payment of all just and due fees.

The costs are taxed on January 26, 1784, by Rafael Perdomo, at 31 pesos 7 reales.

(To be continued.)